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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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.

PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT AND BAY AREA LEGAL AID'S APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 1 OF 6 - PAGES 1–190

Service on Attorney General required by Cal. Rules of Court, rule 8.29(c)

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| 5-B | TiciK40HrQTVEJDUdZ7Pwl/view Super. Ct. San Diego County, Letter to Ellen Choi and Katelyn Rowe in Response to Public Records Request, Aug. 9, 2024 | 1 | 175 |
| 1-C | Super. Ct. San Diego County, Letter to Jennafer D. Wagner, Oct. 24, 2024 | 1 | 38 |
| 4-C | Super. Ct. San Diego County, Local Forms, Form #ADM-379 (rev. Nov. 2023) | 1 | 157 |
| 4-D | Super. Ct. San Diego County, Minute Order (Jan. 2024) | 1 | 159 |
| 4-A | Super. Ct. San Diego County, Notice to Attorneys re: Changes to Court Reporter Policy (Sept. 30, 2021) | 1 | 153 |
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| 11 | Super. Ct. San Diego, San Diego Superior Court Offers Incentives to Recruit & Retain Court Reporters (Feb. 23, 2023), https://www.sdcourt.ca.gov/news/san-diego-superior-court-offers-incentives-recruit-retain-court-reporters | 4 | 905 |
| 2-B | Super. Ct. Santa Clara County, General Ct. and Admin. Rules, Rule 7 (eff. Jan. 1, 2019) | 1 | 57 |
| 8 | Super. Ct. Santa Clara County, General Order (Nov. 14, 2024), https://santaclara.courts.ca.gov/system/files/general/general-order-re-operation-electronic-recording-equipment-declaration-rebecca-j-fleming-11-14-24.pdf | 3,4 | 463, 694 |
| 2-D | Super. Ct. Santa Clara County, Letter to Bay Area Legal Aid, Oct. 16, 2024 | 1 | 71 |
| 2-A | Super. Ct. Santa Clara County, Local Forms, Form FW-020 (rev. Jan. 1, 2021) | 1 | 55 |

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Los Angeles, CA 90067.

On December 4, 2024, I served true copies of the following document described as:

PETITIONERS' APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 1 OF 6 - PAGES 1–190

on the interested parties in this action as follows:

BY TRUEFILING: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx, with delivery fees paid and provided for, and addressed to the persons at the addresses listed in the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

BY EMAIL: I caused a copy of the document(s) to be sent to the persons at the e-mail addresses listed in the attached Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on December 4, 2024 at Los Angeles, California.

| Denis Listengourt | |
|-------------------|--|

SERVICE LIST

Hon. Edward G. Wei, Presiding Judge Kate Bieker, Court Executive Officer Superior Court of California County of Contra Costa Wakefield Taylor Courthouse 725 Court Street Martinez, CA 94553 dept1@contracosta.courts.ca.gov ctadmin@contracosta.courts.ca.gov

Hon. Samantha P. Jessner, Presiding Judge
Hon. Sergio C. Tapia, Presiding Judge
David Slayton, Executive Officer/Clerk of Court
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Hon. Michael S. Groch, Assistant Presiding Judge
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Rob Bonta Attorney General of California State of California Department of Justice 1300 I Street, Suite 1740 Sacramento, CA 95814 rob.bonta@doj.ca.gov

TAB 1

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.

DECLARATION OF
JENNAFER
DORFMAN WAGNER
IN SUPPORT OF
PETITION FOR
WRIT OF MANDATE
AND/OR
PROHIBITION

- I, Jennafer Dorfman Wagner, declare as follows:
- 1. I make this declaration in support of Petitioners' Petition for Writ of Mandate and/or Prohibition in the above titled action. I have personal knowledge of the facts set forth below.

I. BACKGROUND AND EXPERIENCE

- 2. I am an attorney licensed and admitted to practice in the State of California.
- 3. I am the Director of Programs of Family Violence Appellate Project ("FVAP"), where I have been employed since 2013. My responsibilities include overseeing all the legal work in FVAP's California office, including directly supervising our California attorneys, coordinating our pro bono program, and overseeing our legal program grant deliverables. I also oversee

our legislative and administrative advocacy program, legal technical assistance program, and training and written materials programs.

II. FVAP'S MISSION AND SERVICES

- FVAP was established in 2012 and is a non-4. profit organization based in California. FVAP's core mission is to promote the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and genderbased abuse, including human trafficking, elder abuse, and sexual assault. FVAP does this by appealing erroneous trial court decisions throughout the state that have dangerous repercussions for individual clients and their children. FVAP assists clients with appeals involving domestic violence, child custody and visitation, housing, access to justice, and other related issues, including in matters originating in the Respondent courts. FVAP is the only organization in California that provides state-wide appellate assistance to domestic violence survivors. FVAP also works to ensure all survivors have access to justice at the trial court level by securing published case law, providing training for attorneys and advocates, and conducting policy advocacy. FVAP's clients are predominately low-income, and many have appeared pro se in the trial court.
- 5. FVAP is a State Bar-funded Support Center, as defined in Business and Professions Code section 6213, subdivision (b), and provides legal technical assistance, training, and written tools to individuals who represent and support survivors of abuse in court, including victim advocates and legal

practitioners. We receive funding to do this work through the Interest on Lawyer Trust Account (IOLTA) and the Equal Access Fund (EAF).

III. THE IMPACT THAT LACK OF A VERBATIM RECORDING HAS ON FVAP AND ITS CLIENTS

- 6. Government Code section 69957 has been applied by courts in a manner that results in a lack of verbatim recording of most unlimited civil proceedings, including family law cases. This significantly impedes FVAP in pursuing its mission.
- 7. A significant portion of FVAP's activity in support of its mission involves representing clients in appealing what appear to be erroneous adverse trial court decisions. When a potential client requests appellate representation, FVAP staff first review the underlying record to ascertain whether an appeal is viable. On many occasions, FVAP attorneys have spent time and resources evaluating potentially meritorious appeals but ultimately determined that we had to decline representation due to the lack of verbatim recording of the trial court proceedings. As appellate practitioners, FVAP's attorneys are keenly aware of the large body of caselaw in which appellate courts were unable to reach the merits of an appeal when there was no verbatim recording. When an appeal is likely to turn on, or at least be materially affected by, oral proceedings in court, bringing a

¹ Jud. Council of Cal., Fact Sheet: Shortage of Certified Shorthand Reporters in California (June 2024)

https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf (as of Nov. 22, 2024).

successful appeal is essentially impossible without a verbatim recording—even when the potential client's account of those proceedings suggests an appeal would be merited.

- 8. In the past 18 months alone, FVAP has been forced to decline appellate representation in dozens of cases—approximately 10 to 12 percent of the total cases FVAP has reviewed during that period—because there was no verbatim recording of trial court proceedings relevant to the issues that would be raised on appeal.
- 9. For example, FVAP had to turn away a woman alleging that her husband pulled her out of a car and shoved her into a concrete wall. The trial court denied her request for a domestic violence restraining order, despite being presented with photographic evidence of her bruised face and chest.

 Unfortunately, FVAP could not appeal the denial without a verbatim recording of the hearing. Based on our experience, the assumption on appeal would be that the lower court either (1) found the abuse did not occur, or (2) found that it was not inflicted by the husband, and that inferred finding of fact would in turn be presumed correct in the absence of a record showing otherwise.
- 10. In another recent instance, FVAP was forced to turn away a survivor of domestic violence who wanted to challenge a court order modifying the parties' child visitation order. The court removed a requirement that her children's father perform sobriety testing before visitation, despite documentary evidence proving that he had been skipping the

sobriety tests rather than passing them. According to the survivor—who was self-represented at trial—the court removed the requirement because opposing counsel alleged the survivor has cognitive issues. Without a verbatim recording of this hearing, FVAP could not determine if the trial court's ruling was based on substantial evidence or was improper victim-blaming that put the children at risk of harm—or if the survivor's understanding of what happened was wrong or incomplete. Without this critical information, we could not assess the merits of a potential appeal or help the survivor understand what had happened in court and why.

FVAP attorneys have reviewed hundreds of 11. trial court records for potential appellate representation throughout the state and identified numerous cases where the lack of verbatim recording at an earlier proceeding resulted in a cascade of compounded and uncorrectable errors in the trial court. For example, FVAP was forced to decline appellate assistance where a trial court denied a survivor's request for a domestic violence restraining order and there was no verbatim recording of the hearing or any written findings as to the reasoning for denial. Months later, a different trial court judge decided the parties' request for custody at another hearing without verbatim recording. The custody court's written order granted the parties joint legal and physical custody, without discussing the abuse allegations. Without a record of the second hearing, we could not determine whether the second trial court fulfilled its independent obligation to determine if there was

domestic abuse or failed in that duty and wrongly relied solely on the denial of the restraining order to determine there was no abuse. It was not possible to successfully challenge either order without a verbatim recording.

IV. FVAP'S EFFORTS IN RESPONSE TO THE COURT REPORTER SHORTAGE

- was issued, FVAP has worked collaboratively with other advocacy and legal aid organizations to implement the holding and ensure indigent litigants have access to free court reporters. The existence of the court reporter shortage has made this work essential but significantly more difficult. FVAP has expended time and resources advocating for (1) increased court reporter funding, (2) increased access to the Transcript Reimbursement Fund, (3) more pathways to a court reporter license, and (4) electronic recording in proceedings in which a court reporter is unavailable.
- practitioners around the state on how to preserve a record of trial court proceedings. Given the reality of the current court reporter shortage, FVAP regularly expends resources on advising practitioners on balancing their clients' interests in receiving a free court reporter—which may lead to multiple continuances if a court reporter is unavailable—and the legal ramifications of proceeding without a verbatim recording. In particular, we advise practitioners that their clients may be harmed by the lack of verbatim recording in several ways:

- a) Clients may be unable to challenge wrong or dangerous trial court decisions, including restraining order denials and custody and visitation decisions that fail to properly apply protections for children.
- b) Clients may be unable to successfully defend or modify child custody and restraining orders in the future because no verbatim recording exists of the circumstances which led to the orders in the first place.
- c) Clients may be forced to relitigate issues, such as domestic violence or child abuse, that were addressed in an unrecorded earlier hearing, and be disadvantaged if witnesses and evidence are no longer available.
- 14. On behalf of FVAP, I sent letters to the Presiding Judge, Assistant Presiding Judge, and Chief Executive Officer of Respondents Superior Court of Los Angeles County and Superior Court of San Diego County, demanding they provide electronic recording to all indigent litigants in family, probate, and other unlimited civil proceedings when a court reporter is not available. I sent these demand letters on October 10 and October 14, 2024, respectively. A true and correct copy of these demand letters are attached as **Exhibits A** and **B**, respectively.
- 15. Respondent Superior Court of Los Angeles County Presiding Judge Samantha Jessner responded to our letter on October 10, 2024, and agreed to meet to discuss our

concerns. We met on November 1, 2024, and I reiterated our concerns with the court's General Order filed September 5, 2024.

16. Respondent Superior Court of San Diego County CEO Michael Roddy sent a response letter addressed to me on October 24, 2024. A true and correct copy of this letter is attached as **Exhibit C**.

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

Executed on November 22, 2024 in Livermore, California.

JENNAFER DORFMAN WAGNER

EXHIBIT A

TO THE DECLARATION OF JENNAFER D. WAGNER



October 10, 2024

VIA U.S MAIL & EMAIL

Hon. Samantha P. Jessner, Presiding Judge
Hon. Sergio C. Tapia, Assistant Presiding Judge
David Slayton, Court Executive Officer/Clerk of Court
Superior Court of Los Angeles County
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California 90012
SJessner@lacourt.org
STapia@lacourt.org
DSlayton@lacourt.org

Re: Use of Electronic Recording to Create an Official Verbatim Record in the Absence of a Court Reporter

Dear Judge Jessner, Judge Tapia, and Mr. Slayton:

This letter is sent on behalf of Family Violence Appellate Project ("FVAP"). FVAP is a non-profit whose core mission is to promote the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by appealing dangerous and wrong decisions throughout the state, and by ensuring all survivors have access to justice at the trial court level through published case law, training, policy advocacy, and legal technical assistance.

The Superior Courts of California have sounded the alarm about the chronic court reporter shortage that is depriving litigants of the verbatim records they need to have full and equal access to justice in this state.¹ This Court has taken a laudable leadership role in calling public attention to this crisis and in working to find reasonable solutions. But more is needed.

On September 5, 2024, this Court issued a General Order designed to address this crisis that permits electronic recording under certain circumstances in family law, probate, and unlimited civil proceedings where a court reporter is not available, notwithstanding Government Code section 69957, when fundamental rights are at stake.² We applaud and appreciate this Court's dedication to addressing the court reporter crisis by taking this important first step.

¹ Superior Courts of California, "There is a Court Reporter Shortage Crisis in California," (Nov. 2, 2022), available at

https://www.lacourt.org/newsmedia/uploads/14202211213124511.02.2022JOINTCEOSTATEMENTREC OURTREPORTERSHORTAGE.pdf.

² Superior Court of Los Angeles County, General Order re Operation of Electronic Recording Equipment for Specified Proceedings Involving Fundamental Liberty Interests in the Absence of an Available Court Reporter (Sept. 5, 2024).

Superior Court of Los Angeles County October 10, 2024 Page 2

However, we are concerned that the September 5 General Order does not go far enough in protecting the constitutional rights of indigent litigants.³

We have three principal concerns. First, the General Order leaves it to the discretion of the judge in each case to determine whether to implement the order. Protection of the due process and equal protection rights of litigants is not an appropriate subject of judicial discretion.

Second, the General Order authorizes electronic recording of proceedings otherwise subject to the statutory bar on such recordings only if there is a finding that the subject matter of the litigation independently involves "fundamental rights." But equal access to justice is itself a fundamental right, so such rights are infringed in every civil proceeding in which an indigent litigant is not provided a verbatim recording, regardless of subject matter. As one appellate court has pointed out, "the absence of a verbatim record can preclude effective appellate review, cloaking the trial court's actions in an impregnable presumption of correctness regardless of what may have actually transpired. Such a regime can raise grave issues of due process as well as equal protection in light of its disparate impact on litigants with limited financial means." (*In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, n.3.)

Third, we are concerned that the General Order appears to make no provision for ensuring that indigent litigants are properly informed of their right to a verbatim record and can easily obtain it. As you know, a large percentage of indigent litigants in California courts are self-represented, and this Court has an obligation to offer them appropriate assistance in knowing and pursuing their rights.

The California Supreme Court's decision in *Jameson* requires this Court to provide an official verbatim record to all indigent litigants. (*Jameson v. Desta* (2018) 5 Cal.5th 594, 605–606.) If this Court cannot provide free court reporters, it must use electronic recording to create those verbatim records. This Court's obligation to ensure equal access to justice as delineated in *Jameson* requires such a solution. We ask that this Court modify the General Order to make clear that electronic recording must be made available to create official verbatim records for indigent litigants in all civil proceedings (including family and probate proceedings) when a court reporter is not available.

We would appreciate the opportunity to meet with you to discuss this issue in greater depth. Please contact me at jwagner@fvaplaw.org as soon as possible, but no later than October 25,2024 to schedule a call. We look forward to your response.

_

³ Indigent litigants, as used herein, is any litigant who is eligible for a fee waiver for court fees and costs pursuant to Government Code section 68632.

Superior Court of Los Angeles County October 10, 2024 Page 3

Respectfully,

FAMILY VIOLENCE APPELLATE PROJECT

Jennafer Dorfman Wagner, Esq.

Director of Programs

EXHIBIT B

TO THE DECLARATION OF JENNAFER D. WAGNER



October 14, 2024

VIA U.S. MAIL & EMAIL

Hon. Maureen F. Hallahan, Presiding Judge and Chair of the Executive Committee
Hon. Michael S. Groch, Assistant Presiding Judge and Member of the Executive Committee
Michael Roddy, Court Executive Officer
Superior Court of San Diego County
Central Courthouse
1100 Union Street
San Diego, CA 92101
maureen.hallahan@sdcourt.ca.gov
mike.roddy@sdcourt.ca.gov

Re: Use of Electronic Recording to Create an Official Verbatim Record in the Absence of a Court Reporter

Dear Judge Hallahan, Judge Groch, and Mr. Roddy:

This letter is sent on behalf of Family Violence Appellate Project ("FVAP"). FVAP is a non-profit whose core mission is to promote the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by appealing dangerous and wrong decisions throughout the state, and by ensuring all survivors have access to justice at the trial court level through published case law, training, policy advocacy, and legal technical assistance.

In 2022, the Superior Courts of California sounded the alarm about the "chronic" court reporter shortage.¹ FVAP appreciates that this Court faces an unprecedented dilemma in triaging its court reporter staff across its courtrooms. However, we are deeply concerned that no verbatim record exists in an estimated 483,500 family, probate, and unlimited civil hearings in California courts heard between October 1, 2023 and March 31, 2024,² and the crisis has only worsened. By policy, hearings in this Court are regularly not being recorded in family, probate, and civil cases, including those involving indigent litigants.³

¹ Superior Courts of California, "There is a Court Reporter Shortage Crisis in California," (Nov. 2, 2022), available at

https://www.lacourt.org/newsmedia/uploads/14202211213124511.02.2022JOINTCEOSTATEMENTREC OURTREPORTERSHORTAGE.pdf.

² Judicial Council of California, "Fact Sheet: Shortage of Certified Shorthand Reporters in California," (June 2024), available at https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf.

³ Superior Court of San Diego County, "Policy Regarding Normal Availability and Unavailability of Official Court Reporters" (Nov. 30, 2021) ("Official court reporters are not normally available in civil matters, family law matters (with the exception of Family Support Division [FSD] matters and Contempt Hearings), or in probate matters.").

Superior Court of San Diego County October 14, 2024 Page 2

While indigent civil litigants are offered continuances or the opportunity to hire a private court reporter when they have requested a court reporter and one is unavailable, that is an inadequate remedy. The length of continuances and the prohibitive costs of hiring a private reporter for indigent litigants leads many to proceed to a hearing or trial without a court reporter. Because this Court does not allow electronic recording for the purposes of securing a verbatim record of a proceeding in unlimited civil, probate, and family law matters, these litigants then are left without any means of securing a record.

As this Court has recognized, access to a verbatim record of court proceedings is a cornerstone of justice.⁴ It ensures transparency, accountability, and the right to appeal—fundamental elements of our legal system. The lack of a verbatim record will (1) undercut consistency in cases that may involve multiple hearings over extended periods of time and/or involve multiple judges, (2) undermine litigants' ability to understand and communicate what has happened at a hearing and what orders were issued, and (3) jeopardize litigants' ability to challenge erroneous orders on appeal. In fact, FVAP has seen first-hand how the "lack of a verbatim record ... will frequently be fatal to a litigant's ability to have [their] claims of trial court error resolved on the merits by an appellate court." (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608.)

The California Supreme Court's decision in *Jameson* requires this Court to provide an official verbatim record to indigent litigants.⁵ (*Jameson*, *supra*, 5 Cal.5th at 605–606.) This Court's failure to provide verbatim recording to the indigent litigants appearing before it is a direct violation of this Court's obligations under *Jameson*. Moreover, as the Los Angeles Superior Court stated in its September 5, 2024 General Order on this subject, failure to provide a free verbatim record to litigants who cannot retain a private court reporter will often violate these litigants' constitutional rights.⁶ Indeed, the California Court of Appeal has recognized that "the absence of a verbatim record can preclude effective appellate review, cloaking the trial court's actions in an impregnable presumption of correctness regardless of what may have actually transpired. Such a regime can raise grave issues of due process as well as equal protection in light of its disparate impact on litigants with limited financial means." (*In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, n.3.)

If this Court cannot provide free court reporters for indigent litigants, it must use electronic recording to make the verbatim record. While we understand the tension with the apparent limitations on electronic recording set forth in Government Code section 69957, we believe the Court's obligation to uphold litigants' constitutional rights and to follow *Jameson*

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⁴ Court Executive Officer Michael Roddy acknowledged in a press release by this Court: "We recognize how important a verbatim record of a proceeding can be in ensuring access to justice." The press release further acknowledged: "Verbatim records are relied on by litigants to review decisions, enforce judgments and preserve rights on an appeal to a higher court." Superior Court of San Diego County, "San Diego Superior Court Offers Incentives to Recruit & Retain Court Reporters," (Feb. 23, 2023), https://www.sdcourt.ca.gov/news/san-diego-superior-court-offers-incentives-recruit-retain-court-reporters.

⁵ Indigent litigants, as used herein, is any litigant who is eligible for a fee waiver for court fees and costs pursuant to Government Code section 68632.

⁶ Superior Court of Los Angeles County, General Order re Operation of Electronic Recording Equipment for Specified Proceedings Involving Fundamental Liberty Interests in the Absence of an Available Court Reporter (Sept. 5, 2024).

Superior Court of San Diego County October 14, 2024 Page 3

requires such a solution.⁷ We ask that this Court move forward expeditiously to use electronic recording to create official verbatim records for indigent litigants in all civil proceedings (including family and probate proceedings) when a court reporter is not available.

We would appreciate the opportunity to meet with you to discuss this issue in greater depth. Please contact Jennafer Wagner at jwagner@fvaplaw.org as soon as possible, but no later than October 25 to schedule a call. We look forward to your response.

Respectfully,

FAMILY VIOLENCE APPELLATE PROJECT

Jennafer Dorfman Wagner, Esq.

Director of Programs

⁷ The Presiding Judge of the Los Angeles Superior Court, the largest trial court in the nation, issued a General Order on September 5, 2024 that permits electronic recording in family law, probate, and civil proceedings, notwithstanding Government Code section 69957. While the Los Angeles Superior Court's order is an important first step, it does not fully protect the constitutional rights of indigent litigants, as only certain indigent litigants will have access to a verbatim record created by electronic recording under the General Order.

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EXHIBIT C

TO THE DECLARATION OF JENNAFER D. WAGNER

The Superior Court of California

COUNTY OF SAN DIEGO EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY **Executive Officer and Clerk** Jury Commissioner

Post Office Box 122724 San Diego, California 92112-2724 (619) 844-2500

October 24, 2024

VIA EMAIL AND U.S. MAIL

Jennafer Dorfman Wagner, Esq. Director of Programs Family Violence Appellate Project 449 - 15th Street, Suite 104 Oakland, CA 94612 jwagner@fvaplaw.org

> Re: Use of Electronic Recording to Create an Official Verbatim Record in the Absence of a Court Reporter

Dear Ms. Wagner:

On behalf of Judge Maureen F. Hallahan, Judge Michael S. Groch and me, I am writing to acknowledge receipt of your October 14, 2024 letter regarding the use of electronic recording to create an official verbatim record in the absence of a court reporter.

We sincerely appreciate your interest in this issue and share your concern regarding the lack of a verbatim record in civil, family law and probate proceedings in many trial courts throughout California. We are following with great interest the current activity on this issue in the Los Angeles Superior Court and will consider action if and when we believe it is appropriate.

Thank you for taking the time to bring your concerns to our attention.

Sincerely,

MICHAEL M. RODDY

Executive Officer

Presiding Judge Maureen F. Hallahan cc: Assistant Presiding Judge Michael S. Groch

TAB 2

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.

DECLARATION OF
KEMI MUSTAPHA
IN SUPPORT OF
PETITION FOR
WRIT OF MANDATE
AND/OR
PROHIBITION

I, Kemi Mustapha, declare as follows:

- 1. I am an attorney licensed by the State of California and have been admitted to practice since 2010.
- 2. I am the Supervising Attorney for Family Law at Bay Area Legal Aid ("BayLegal"). I make this declaration in support of the Petition for Writ of Mandate and/or Prohibition based on personal knowledge and can and will testify thereto if called upon to do so. As a member of BayLegal's Management Team, I can also testify to the organization's mission, structure, and priorities.

I. BAYLEGAL'S MISSION AND SERVICES

3. BayLegal is a nonprofit organization and the largest provider of free civil legal services in the San Francisco Bay Area. BayLegal's mission is to provide meaningful access to

the civil justice system through quality legal assistance regardless of a client's location, language, or disability.

- 4. BayLegal has offices in Napa, Richmond,
 Oakland, San Francisco, San Mateo, and San Jose, servicing
 clients in Marin, Napa, Contra Costa, Alameda, San Francisco,
 San Mateo, and Santa Clara Counties.
- 5. All BayLegal's clients are low-income because we require their incomes to be at or below 200% of the federal poverty guideline to be eligible for our services, except in certain limited circumstances. Many of our clients receive some type of government assistance, such as food stamps. For these reasons, the vast majority of BayLegal's clients are eligible for a waiver of court fees and a free court reporter.
- 6. BayLegal attorneys practice in family law, immigration, housing, public benefits, consumer protection, and health access, and address the various legal needs of youth, veterans, and formerly incarcerated individuals. The Family Law team represents survivors of domestic violence in domestic violence restraining order, child custody and visitation, child and spousal support, dissolution, separation, and paternity proceedings. The Youth Justice team represents youth (up to age 26) in various matters including child custody and domestic violence restraining orders in family court, juvenile proceedings in dependency court, and guardianship matters in probate court. The Consumer team represents clients in consumer matters including defending against debt collection actions in unlimited civil cases. All three teams provide services in Contra Costa and

Santa Clara Counties and represent clients in the trial court and in appellate proceedings.

II. LEGAL EXPERIENCE

- 7. I joined BayLegal in 2012 as an Equal Justice Works Fellow on the Family Law team in San Francisco and Oakland. My fellowship focused on providing culturally sensitive legal representation to low-income Black or African American survivors of domestic violence. In 2014, I became a Staff Attorney in the Family Law team. In 2017, I transitioned to our Santa Clara County office and continued this work. As a Staff Attorney, I carried a caseload of approximately 30 cases at a time, represented hundreds of clients, and appeared in over a thousand trials and evidentiary hearings.
- 8. In 2019, I became the Supervising Attorney of the Family Law team. I supervise all family law attorneys practicing across our seven regional offices, including in Contra Costa and Santa Clara Counties. I facilitate monthly regional meetings for the team, at which I help identify systemic issues that our clients are facing. This is how we identified the lack of court reporters as a significant barrier to access to justice. In addition, I meet individually with family law attorneys and attend team case review meetings to discuss and strategize on BayLegal's cases, as well as review and edit pleadings. I cocounsel cases with new attorneys to provide support, and I attend court hearings to provide feedback. I continue to carry a caseload in Santa Clara County.
 - 9. I have access to all case information for

BayLegal's current and former family law clients and have reviewed our records from 2020 to 2024. During that time, our Family Law team provided legal services to 2,440 clients, including 369 in Santa Clara County and 490 in Contra Costa County. These legal services included full scope representation, limited scope representation, and brief services and advice and counsel to *pro se* litigants. Between 2022-2024 we also helped 809 individuals through our domestic violence restraining order clinics, including 644 individuals in Contra Costa County.

III. THE COURT REPORTER SHORTAGE IN SANTA CLARA COUNTY SUPERIOR COURT

- 10. Santa Clara County is the sixth-most populous county in California and is home to 142,800 residents living below the poverty line.²
 - 11. Santa Clara County Superior Court ("SCSC")

=050XX00US06085 (stating 7.5% of its 1.9 million residents live

below the federal poverty line).

¹ "Full scope representation" is when we represent clients as their attorney of record in every aspect of their case. "Limited scope representation" is when we represent clients as their attorney of record for only a portion of the case, such as a hearing or motion. We also provide "brief services" without becoming an attorney of record, which can include services like helping clients draft a memorandum of points and authorities, obtain evidence, or contact third parties without becoming attorneys of record. Advice and counsel includes helping *pro se* litigants understand their orders.

² World Population Review, California Counties by Population (2024) (as of November 21, 2024), https://worldpopulationreview.com/us-counties/california; U.S. Census Bureau, Santa Clara County, California, at https://data.census.gov/profile/Santa Clara County, California?g

has 68 courtrooms spread across seven courthouses. Family law proceedings are primarily heard in the Family Justice Center Courthouse located in San Jose, California. Probate matters are generally heard in the Downtown Superior Courthouse and civil matters are heard there and in the Old Courthouse, both located in San Jose, California.

- 12. Between 2017 and 2020, it was my experience that court reporters were regularly provided for all family law proceedings in SCSC, including status conferences. In almost all cases, SCSC provided a free court reporter for all litigants without requiring a request to be filed. In the few instances when the parties appeared and a court reporter was not present in the courtroom, SCSC would typically make one available that same day.
- 13. Beginning in approximately mid-2020, I noticed that SCSC stopped automatically providing court reporters in family proceedings. Under SCSC's policy and practice in effect during this time,³ our family law clients were required to either request a free court reporter or hire a private one to receive a verbatim recording of the proceedings. As discussed below, hiring a private court reporter, or accepting a continuance because a court-provided one is unavailable, are typically infeasible options for our clients. Therefore, when our clients

³ Unless otherwise stated, my experience in this declaration refers to the time period of mid-2020 through November 14, 2024, the date of SCSC's General Order permitting electronic recording in some unlimited civil cases. I have not yet had any substantive hearings since the Order was issued.

have requested a court reporter and SCSC has been unable to provide one, about 80-90% of our Santa Clara clients have proceeded without a verbatim recording.

- 14. When our clients have requested a courtprovided court reporter using the required form, SCSC has not
 guaranteed they would receive one on their hearing date and has
 not provided advance notice to the parties if a court reporter was
 unavailable. Instead, SCSC has informed the parties on the day
 of the hearing or trial. This is consistent with the "Request for
 Court Reporter by Party with Fee Waiver" (FW-020) form, which
 states: "If you are eligible, the court will try to schedule a court
 reporter for the court proceeding but cannot guarantee that one
 will be available at that time." (See FW-020, a true and correct
 copy of which is attached as **Exhibit A**.)
- 15. In my experience practicing in SCSC, the court has often failed to provide court reporters for hearings even when one was requested. This is true for any type of family law proceeding, including short cause hearings,⁴ long cause hearings or trials,⁵ procedural motions, or any other proceeding involving important issues like custody, visitation, child or spousal support, divorce, separation, paternity, or domestic violence restraining orders. The sole exception is contempt hearings, which the court has prioritized to receive court reporters. However, even a few pretrial contempt proceedings have gone unreported due to the

⁴ "Short cause" hearings are evidentiary hearings lasting approximately 20 minutes.

⁵ "Long cause" hearings, or trials, are hearings that last more than 30 minutes and can last several hours, days, or weeks.

unavailability of court reporters.

- 16. Prior to November 15, 2024, SCSC did not permit judicial officers to use electronic recording to create an official verbatim recording in family law proceedings even when a court reporter was unavailable. Our Consumer team confirms that their unlimited civil cases have not been reported or electronically recorded, while our Housing team confirms their unlawful detainer cases are typically electronically recorded.
- Order instructing the Clerk of Court to direct courtroom clerks to operate electronic recording equipment in certain felony, family law, probate, and civil departments if the judicial officer makes specific factual findings, including that the proceeding implicates fundamental or liberty rights. (See **Exhibit 8** to the Appendix.) I have reviewed the General Order and remain concerned that some of my clients may still be denied a verbatim recording.
- 18. The General Order confirms my experience that SCSC has a court reporter shortage and, as a result, has been unable to provide verbatim recordings in 59,000 hearings to date in 2024, including in 29,662 family law cases, or 290 hearings per day. (See **Exhibit 8** to the Appendix, at pp. 2-3 & 25.)

VI. THE IMPACT OF THE COURT REPORTER SHORTAGE ON BAYLEGAL'S CLIENTS AND MISSION

19. When a court reporter is unavailable, our clients have typically been offered a choice between three options:(1) bring their own private court reporter, (2) continue the case in

the hopes that a court reporter will be available on the new date, or (3) go forward without verbatim recording.

- 20. The first option is not available to our clients. Private court reporters charge hundreds or thousands of dollars per day for their services. The vast majority of our clients are indigent and cannot afford this cost. As a publicly funded nonprofit organization, BayLegal has limited funds for litigation costs and is not financially able to pay for a private court reporter for all (or even most) clients.
- 21. The second option offered to our clients has been to continue the hearing to a later date in hopes that a court reporter is available then. However, there is no guarantee that a court reporter will be provided on the new hearing date. Our clients who have chosen this option have endured multiple continuances for a single proceeding due to court reporter unavailability. Based on my experience, short cause hearings are typically continued out several weeks or months. Long cause hearings or trials are continued out even longer because it can be harder to find an available time slot on the court's calendar. When a court reporter is still unavailable after the first or second continuance, most clients have opted to go forward without verbatim recording.
- 22. In one of my cases, my client's request for a domestic violence restraining order was set for a three-day trial and I requested a court reporter almost three months in advance. In the days leading up to the trial, I sent several emails to the court to inquire about the availability of a court reporter. Despite

these efforts, I learned there was no court reporter available when I appeared for trial. The court continued the trial to the following day, but there was no court reporter available then. The parties settled before the trial commenced, and a court reporter was provided to transcribe the settlement terms. Opposing counsel subsequently objected to my proposed order, and fortunately I was able to use the court reporter's transcript to prove the proposed order was correct. This opportunity has been too often unavailable to our clients because proceedings are unreported.

23. Delays in proceedings can be very harmful to our clients, who urgently need the relief they are requesting. Our clients cannot wait several additional weeks or months for a court reporter when they have a hearing date scheduled now. For example, our clients may need protective orders, such as a domestic violence restraining order, and cannot wait for a ruling if the temporary restraining order was denied pending the hearing and there is imminent danger. Our clients may need custody or visitation orders to be issued or modified and cannot wait for a ruling if the current co-parenting arrangement is harmful to the children. Our clients may need child or spousal support orders and many endure significant financial hardship if their hearing is delayed. A primary reason that domestic violence survivors stay with abusive partners is financial need, so delayed support orders can be catastrophic to their safety and well-being. Most courts do not order support on an interim basis if the hearing on support is continued due to lack of court

reporter.

- 24. In addition, BayLegal's clients cannot afford the costs of repeatedly going to court. Our clients are very low-income and struggle to meet their basic needs, such as food, shelter, and medical care. They are frequently unable to cover the costs of transportation, lost work, or childcare that stem from making repeated court appearances. They are often faced with the choice of paying these costs or paying their rent choices that will not only impact their lives but also their case. For example, if a parent loses their housing, they are at risk of losing custody of their children.
- 25. For all our clients, facing their abusers in court is an incredibly difficult experience and requires significant mental and emotional preparation and recovery. They suffer anxiety, stress, and depression because of the abuse, and they are frequently re-traumatized whenever they think about, prepare for, or appear at a hearing involving their abuser. Doing this repeatedly simply because a court reporter is unavailable is extremely harmful to our clients.
- 26. For these reasons, our clients have often been forced to proceed without any verbatim recording.
- 27. Without a verbatim recording of civil proceedings, our clients are unable to appeal erroneous trial court orders that are harmful to them. In one of BayLegal's cases in SCSC, there was no court-provided court reporter for a hearing on our client's request to modify custody and visitation to eliminate the requirement that her visits with the children be

supervised. The court denied the request based on reasons that we believed were contrary to the law and, as a result, our client continued to be subject to a supervised visitation order. The court's basis for denying the request – that our client exercised bad judgment and was emotionally dysregulated – was not supported by any evidence in the record and we believe was not a legal basis for ordering supervised visitation in that case. Because we had no verbatim recording of the hearing, we could not assist our client with an appeal. This concerns me not only because it harms our individual clients, but also because it results in the trial court repeating these errors in other cases. The inability to fully pursue our clients' interests in the trial court and on appeal frustrates BayLegal's mission.

- 28. Lack of verbatim recording also makes it difficult to help *pro se* litigants who do not understand their orders. Recently, one of our family law attorneys spent hours reviewing years of case records for a *pro se* litigant who did not understand what orders were made at her last hearing. The client had an upcoming trial on child custody and visitation and needed help preparing. Over the course of several years of litigation, no court reporter was ever provided to this indigent client. Without any verbatim recordings to shed light on the prior proceedings, the attorney spent their limited time deciphering minute orders and judgments to determine what had transpired and decide if we could further assist the client.
- 29. Wasted attorney time stemming from the court reporter shortage impedes BayLegal's mission. We have limited

resources and the demand for our services far exceeds what we can provide. BayLegal wastes valuable resources when attorneys are forced to prepare for and attend court hearings multiple times due to continuances based on court reporter unavailability. In advance of a hearing, I typically spend 5-15 hours drafting filings for our client, 2-4 hours preparing for the hearing, and up to 3 hours attending the hearing. Time spent increases significantly for trials or complex cases. When continuances are lengthy, I must re-prepare for the hearing and sometimes file updates with the court. This is harmful both to prospective clients and our mission because it means that BayLegal cannot help as many low-income people as we could otherwise.

V. INFORMATION AVAILABLE TO LOW-INCOME LITIGANTS ABOUT THEIR RIGHT TO A COURT-PROVIDED COURT REPORTER

- 30. In my experience, low-income litigants do not know they have the right to a court-provided court reporter under *Jameson v. Desta*, (2018) 5 Cal.5th 594, and they do not know how to request one.
- 31. SCSC's publicly available information on court reporters is difficult to find. There is no information in the SCSC's Local Rules on an indigent litigant's right to a court reporter. Nor is there information on how to request one. The only local rule that relates to court reporters explains the process for bringing one's own court reporter *pro tempore*; it does not mention a fee waiver litigant's right to a court reporter. (See Santa Clara County General Court and Administration Rule 7, a true and correct copy of which is attached as **Exhibit B**.)

32. The SCSC's "Court Reporter Information" page states that a court reporter will only be provided in mandated proceedings, including "cases in which an official court reporter is required by the Supreme Court opinion in the case of Jameson v. Desta." However, this webpage does not explain what cases are "required" to receive a court reporter under *Jameson*, or how to request one. Nowhere does the webpage mention the form that fee waiver litigants are required to complete to formalize their request for a court reporter. This information can only be found by visiting SCSC's "Forms And Filing FAQs" page, then clicking on the "State Forms" link, and then conducting a word search for "court reporter."

Facilitator's Office appears to provide little information to pro se litigants about these rights and requirements. I spoke to several pro se litigants after they received help from this office and was informed that they were not given any information about court reporters. A BayLegal attorney also tested out the Self-Help Center's online chat feature and I have reviewed the transcript from that exchange. The attorney sent the message: "I want to understand my rights to have a court reporter at my hearing."

The Self-Help Center's response was: "Generally, court reporters

⁶ See Santa Clara Court Reporter Information, available online at https://santaclara.courts.ca.gov/general-information/court-reporter-information.

⁷ See Santa Clara County Superior Court, Forms and Filing FAQs, at https://santaclara.courts.ca.gov/forms-filing/forms-filing-faqs; see also California Courts, Forms, at https://www.courts.ca.gov/forms.htm.

are not guaranteed in family law proceedings in Santa Clara County." When the BayLegal attorney explained that they were unable to afford their own court reporter, the Self-Help Center replied: "If you are granted a fee waiver, you can request a court reporter for a court hearing, but it is not guaranteed that one is available."

34. On October 10, 2024, BayLegal sent a letter to SCSC demanding they meet their obligations under Jameson by electronically recording proceedings for low-income litigants where a court reporter was unavailable. A true and correct copy of that letter is attached as Exhibit C. On October 16, 2024, SCSC sent a response, a true and correct copy of which is attached as Exhibit D.

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

Executed on November 25, 2024 in Sank Clause, California.

Kemi Mustapha, Esq.

EXHIBIT A

TO THE DECLARATION OF KEMI MUSTAPHA

| ATTORNEY OR PARTY WITHOUT ATTORNEY: | STATE BAR NO: | | FOR COURT USE ONLY |
|---|---------------|--------------|--------------------|
| NAME: | | | |
| FIRM NAME: | | | |
| STREET ADDRESS: | | | |
| CITY: | STATE: | ZIP CODE: | |
| TELEPHONE NO.: | FAX NO.: | | |
| EMAIL ADDRESS: | | | |
| ATTORNEY FOR (name): | | | |
| SUPERIOR COURT OF CALIFORNIA, COL | JNTY OF | | |
| STREET ADDRESS: | | | |
| MAILING ADDRESS: | | | |
| CITY AND ZIP CODE: | | | |
| BRANCH NAME: | | | |
| Plaintiff/Petitioner: | | | |
| Defendant/Respondent: | | | |
| Other Party: | | | |
| REQUEST FOR COURT REPORTER BY PARTY WITH FEE WAIVER | | CASE NUMBER: | |
| | | | |

INSTRUCTIONS

If you have been granted, or are applying for, a waiver of court fees and costs, you may use this form to request the services of an official court reporter for a hearing or trial for which a court reporter is not otherwise provided and for which electronic recording is not provided.

- You should make a request 10 calendar days before any court date for which you want a reporter. If the court date is scheduled with less than 10-days' notice, you should file the request as soon as you can.
- If you do not file the request on time, the court may be unable to provide a court reporter on the date requested and may have to reschedule the hearing or trial.
- There will be no fee to you for the court reporter being at the hearing if you have a fee waiver.
- Note: Having a court reporter does not guarantee the right to get a free transcript. To learn more about transcripts
 and records for an appeal, read the Self Help webpages for civil appeals, particularly courts.ca.gov/designatingrecord.

If you are eligible, the court will try to schedule a court reporter for the court proceeding but cannot guarantee that one will be available at that time.

REQUEST FOR COURT REPORTER

| 1. | 1. (Name of party making request): | | | | |
|-------|--|--|--|--|--|
| | a. has received a waiver of court fees and costs in this action. b. is filing a <i>Request to Waive Court Fees</i> (form FW-001 or FW-001-GC) with this form. | | | | |
| 2. | An official court reporter is requested for trial hearing on (date): | | | | |
| Date: | > | | | | |
| (TY | PE OR PRINT NAME OF ATTORNEY OR PARTY WITHOUT ATTORNEY) (SIGNATURE) | | | | |

Page 1 of 1

EXHIBIT B

TO THE DECLARATION OF KEMI MUSTAPHA

GENERAL COURT AND ADMINISTRATION RULES

RULE 1 USE OF JUROR LISTS FOR TRIAL HELD IN PLACE OTHER THAN COUNTY SEAT

When a jury trial is held in a superior courthouse, other than one located in the county seat, the names for the master jury list and the qualified jury list for that trial may be selected from the area in which the trial is held. (Effective 1/1/2007)

RULE 2 USE OF RECORDING DEVICES IN COURTHOUSE FACILITIES

(Effective 1/1/2012)

A. COVERAGE BY PROFESSIONAL MEDIA

(Effective 1/1/2012)

This Rule 2A applies to "Media" as defined by California Rules of Court, Rule 1.150(b)(2).

(1) MEDIA REQUEST FOR COVERAGE

The media may request an order permitting media coverage using only the approved Judicial Council of California form MC-500, Media Request to Photograph, Record, or Broadcast, and form MC-510, Order on Media Request to Permit Coverage. Forms are available on the Court's website.

The forms shall be filed electronically with the Court's Public Information Officer, or another Court employee designated by the Court Executive Officer, at least five court days before the portion of the proceeding to be covered unless good cause is shown. An electronic signature on the MC-500 by a member of the media is acceptable. A signed file-stamped order will be returned electronically to the requester.

Requests for media coverage are governed by California Rules of Court (CRC) 1.150(e).

(Effective 1/1/2013)

(2) FILMING JURORS

Photographing and filming any juror or summoned prospective juror is prohibited.

(3) MEDIA IN OTHER AREAS OF COURTHOUSE

Unless approved by written order of the Presiding Judge or the Supervising Judge of that courthouse, filming, videotaping, photographing and electronic recording of any kind is not permitted in any other part of the courthouse, including but not limited to, entrances, exits, halls, stairways, escalators and elevators. Application for permission for media coverage in these areas of the courthouse shall be directed to the Court's Public Information Officer, or another Court employee designated by the Court Executive Officer, who shall be responsible for coordinating approval or denial by the Presiding Judge or the Supervising Judge of that courthouse. The Court's Public Information Officer, or another Court employee designated by the Court Executive Officer, shall serve as the onsite manager for media relations and shall use professional judgment in determining appropriateness and permissibility of approved onsite media activities.

(Effective 1/1/2013)

Cameras and recording devices shall be turned off while being transported in any area of the court unless expressly permitted by court order. Filming, videotaping and photographing of the interior of any courtroom through the glass door windows or through the double doors, or otherwise is prohibited. No recording devices shall be permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized such use in a written order pursuant to CRC 1.150 and this Local Rule 2A. (Effective 1/1/2013)

B. USE OF RECORDING DEVICES GENERALLY PROHIBITED

This Rule 2B applies to all individuals. Other than "Media" as defined by California Rules of Court, Rule 1.150(b)(2)

(1) COURTHOUSE FACILITIES

Any and all "photographing" and/or "recording" and/or "broadcasting" as defined by California Rules of Court, Rule 1.150(b) of people, things, conversations, or proceedings is strictly prohibited in any courthouse facility, including but not limited to stairways, elevators, waiting areas, hallways, entrances security screening stations, service areas, through windows, through doors, and with respect to any other accessible areas of courthouse facilities, whether access was intended or not, absent written order of the Supervising Judge of the specific courthouse facility. Any device that appears capable of photographing, recording, or broadcasting is subject to confiscation.

(2) COURT PROCEEDINGS

a. Court proceedings may not be photographed, recorded, or broadcast, as defined by California Rules of Court, Rule 1.150(b), without express permission of the Court. Use of a recording device or broadcasting device of any type is not permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized the use of such device in a written order, or oral order on the record made during the hearing issue. Except upon approval by the judicial officer hearing the matter, all cell phones and other personal communication devices shall be turned off before entering the courtroom and stored out of sight. Any cell phone or personal communication device or device that appears capable of photographing, recording, or broadcasting which is visually observed in the courtroom is subject to confiscation.

(Effective 7/1/2017)

b. Courts have inherent supervisory or administrative duties to maintain orderly conduct of judicial proceedings. In that effort, Court security should warn all persons entering the courtroom to turn off all electronic devices. If a person is suspected of

violating this rule, a further direct verbal warning should be given to the individual. In appropriate circumstances, court security may exercise its discretion to temporarily take custody of the electronic device until the person exits the court facility. If court security concludes that a recording has already occurred in violation of this rule or if the nature of the recording otherwise could jeopardize security of the facility, the safety of parties, witnesses, court personnel or judicial officers, court security may request that the recording be erased by the owner or may ask the owner for permission to access the device. If the owner refuses to erase the material or provide access, the deputy is authorized to temporarily retain the recording device while determining whether to seek a search warrant. If no application for a warrant is made or a warrant is declined, the device will be promptly returned to the owner. All applicable laws pertaining to search warrants shall apply. If the warrant issues, court security will retain the device as directed in the warrant and/or Penal Code section 1536. If the deputy finds probable cause to conclude that a violation of a court order or a crime has been committed, the matter shall be processed for possible arrest.

(Effective 7/1/2017)

C. VIOLATIONS

Any violation of this Local Rule or an order made under this Local Rule, or of California Rule of Court, Rule 1.150, is an unlawful interference with court proceedings and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law. (Effective 1/1/2012)

RULE 3 ACCESS, FAIRNESS AND PREVENTION OF BIAS

(Effective 1/1/2024)

A. SANTA CLARA COUNTY COURT PROCEDURE

The Santa Clara County Superior Court, its judicial officers, and its employees are committed to ensuring the integrity and impartiality of the judicial system and that all court interactions are free of bias and the appearance of bias. Any complaints about bias or the appearance of bias, including but not limited to bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law, including Government Code section 12940(a) and Code of Judicial Ethics, Canon 3(B)(5), whether that bias is directed toward counsel, court staff, witnesses, parties, jurors, or any other person, may be directed to the presiding judge, the Commission on Judicial Performance or the court's Chief Executive Officer. (Effective 1/1/2024)

B. SANTA CLARA COUNTY BAR ASSOCIATION DIVERSITY, EQUITY AND INCLUSION COMMITTEE (Effective 1/1/2024)

The Santa Clara County Bar Association's Diversity, Equity and Inclusion Committee will assist in maintaining a courtroom environment free of bias or the appearance of bias. To improve dialogue and engagement with members of various cultures, backgrounds, and groups to learn, understand, and appreciate the unique qualities and needs of each group, the Diversity, Equity and Inclusion Committee will:

(Effective 1/1/2024)

- 1. Be composed of representative members of the court community, including but not limited to judicial officers, lawyers, court administrators, and individuals who interact with the court and reflect and represent the diverse and various needs and viewpoints of court users;
- 2. Sponsor or support educational programs designed to eliminate unconscious and explicit biases within the court and legal communities. Education is critical to developing an awareness of the origins of bias and the impact of bias on individuals, culture, and society. Education will include:
 - (A)Information as to bias based on the protected classifications listed above;
 - (B) Information regarding how unconscious and explicit biases based on these classifications develop, how to recognize unconscious and explicit biases, and how to address and eliminate unconscious and explicit biases; and
 - (C) Other topics on bias relevant to our community informed by the committee's independent assessment of the unique educational needs in our community.

(Effective 1/1/2024)

C. LANGUAGE ACCESS COMPLAINTS

The Court is committed to providing equal access to court users regardless of English proficiency. Members of the public who have a complaint or other feedback about the Court's language access services may complete a Language Access Complaint Form (LA-100) and submit it online, in person at any Court facility Clerk's Office, or by mail or by e-mail to:

Language Access Representative

Superior Court of California, County of Santa Clara

191 N. First Street

San Jose, CA 95113

languageaccesscomplaint@scscourt.org

The Language Access Complaint Form (LA-100) will be available in hard copy at every court facility and electronically on the Court's website.

The Court's Language Access Representative will respond to all language access complaints other than those submitted anonymously. Within 30 days of receiving a language access complaint, the Language Access Representative will acknowledge receipt of the language access complaint and will prioritize those complaints involving the availability of a spoken-language interpreter for pending court proceedings.

Within 60 days of receiving a language access complaint, the Language Access Representative will conduct a preliminary investigation of the complaint and notify the complainant of either the final action taken on the complaint or, if applicable, the need for additional investigation. If additional investigation is needed, the Language Access Officer will notify the complainant at the conclusion of that investigation of the final action taken.

If a complainant disagrees with the notice of the outcome taken on his or her complaint, within 90 days of the date the court sends the notice of outcome, he or she may submit a written follow-up statement to the Language Access Representative indicating that he or she disagrees with the outcome of the complaint. The follow-up statement should be brief, specify the basis of the disagreement, and describe the reasons the complainant believes the court's action lacks merit. The court's response to any follow-up statement submitted by complainant after receipt of the notice of outcome will be the final action taken by the court on the complaint.

The Language Access Representative does not have the authority to change any decision made by a judicial officer, and the Language Access Representative's review of the complaint does not in any way modify, extend or toll any procedural requirements or deadlines, such as the time limits for filing a notice of appeal or motion for reconsideration or set aside of a court order. Under no circumstances will the submission of a complaint negatively impact the outcome of a complainant's court case.

The Court will maintain records of the receipt, investigations and disposition of all language access complaints and will submit quarterly reports to the Judicial Council on the number and type of complaints received, the resolution of complaints, and any additional information requested by the Judicial Council to ensure implementation of the Strategic Plan for Language Access in the California Courts.

(Effective 7/1/2018)

RULE 4 TEMPORARY JUDGES AND SETTLEMENT ATTORNEYS

(Effective 1/1/2022)

A. COURT-APPOINTED TEMPORARY JUDGES

(1) APPLICATION AND TRAINING The Court appoints qualified attorneys as temporary judges pursuant to the California Rules of Court (CRC). Application forms for appointment as a temporary judge may be downloaded from the Court's website at www.scscourt.org. Attorneys applying for appointment as a temporary judge in the Small Claims or Traffic divisions who previously have not served as a temporary judge in that division must observe two (2) half-day calendars in the division conducted by judicial officers, as well as satisfy all other requirements set forth in the CRC. The two (2) half-day calendars in Traffic shall include arraignments and trials.

(Effective 1/1/2024)

(2) COMPLAINTS

Forms for lodging complaints about a Court-appointed temporary judge may be found on the Court's website at www.scscourt.org, or they are available from the Clerk's Office at any courthouse where temporary judges serve. Complaints about any court appointed temporary judge should be sent to: Temporary Judge Administrator, Santa Clara County Superior Court, 191 N. First Street, San Jose, CA 95113. Complaints related to sexual harassment may be made by phone by calling the Temporary Judge Administrator at (408) 882-2721.

(Effective 1/1/2022)

B. TEMPORARY JUDGES REQUESTED BY THE PARTIES

(1) PARTY-REQUESTED TEMPORARY JUDGES

Parties requesting Court approval that an attorney or retired judge be designated as a temporary judge on a pending case shall file the stipulation required by CRC 2.830 - 2.834 in the Clerk's Office where the case is pending.

(2) PRIVATELY COMPENSATED TEMPORARY JUDGES

Matters pending before privately compensated temporary judges are not heard at courthouses. A notice pursuant to CRC 2.830 – 2.834 will be posted on the Court website and outside the Clerk's Office of any courthouse where the Court has approved a request for a pending case to be assigned to a privately compensated temporary judge.

(Effective 1/1/2022)

C. SETTLEMENT ATTORNEYS

(1) APPLICATION AND TRAINING

In addition to temporary judges, the Court may appoint qualified settlement attorneys to assist in settlement conferences pursuant to CRC 2.812(c)(3)(D). Application forms, which include the oath, to volunteer as a settlement attorney may be downloaded from the Court's website at www.scscourt.org, or they are available from the Clerk's Office at the Downtown Superior Court. Attorneys applying for appointment as a settlement attorney must observe a Mandatory Settlement Conference, Settlement Officer Conference, or other proceeding over which they will act as a settlement attorney. Settlement attorneys must initially, and once every three years, attend a one and a half hour (1.5) training related to local rules, bias, fairness, conflicts, and Court divisions and are encouraged to attend Bench Conduct and Demeanor Training and complete the Judicial Ethics online webinar. The Presiding Judge, in his or her discretion, may grant an individual exemption to one or both requirements.

(Effective 1/1/2022)

(2) COMPLAINTS

Forms for lodging complaints about a settlement attorneys may be found on the Court's website at www.scscourt.org, or they are available from the Clerk's Office at any courthouse where settlement attorneys serve. Complaints about any settlement attorneys should be sent to: the ADR Administrator or the Family Court Settlement Officer, Santa Clara County Superior Court, 191 N. First Street, San Jose, CA 95113. Complaints related to sexual harassment may be made by phone by calling the ADR Administrator at (408) 882-2530 or the Family Court Settlement Officer at (408) 882-2932.

(Effective 1/1/2022)

RULE 5 FOOD IN COURT

Jurors and parties to lawsuits, and others who may be required to be in the courthouses for extended periods of time, will be permitted to bring food for lunch and snacks into all courthouses, in appropriate containers, as further described in this rule. Abuse of these rules or failure to use trash receptacles for refuse will result in termination of an individual privilege to bring food into a courthouse.

Glass bottles are deemed a security risk and are prohibited and will be detained at the security entrances of all courthouses, except that baby bottles with milk and juice may be brought into the courthouse by parents or other caregivers who are bringing small children into the courthouse. All bottles may be subject to inspection by security screening personnel.

No food or drink may be openly displayed or consumed in any courtroom or anteroom of a courtroom without the express permission of the judicial officer presiding over that courtroom. Permission may be sought through the clerk or bailiff in that courtroom.

Food may be carried into the Old Courthouse by persons who carry lunch and snacks; it may not be consumed or displayed in the Old Courthouse corridors or public places. However, food may be consumed in a particular courtroom anteroom with the consent of the judicial officer. Only upon approval of the Presiding Judge should food or drink be consumed in the Heritage Room. (Effective 1/1/2011)

RULE 6 ELECTRONIC FILING

This Rule applies to filing of documents electronically with the court.

A. APPLICABLE STATUES AND RULES OF COURT

Parties must comply with all requirements and conditions for electronic filing and service as set forth in Code of Civil Procedure section 1010.6(a)(1), (3), (4), (b)(1), (2), (5) and California Rules of Court (herein either "CRC," "Rules of Court," or "Rules"), Rules 2.250 through 2.253, 2.256, 2.257, and 2.259. (Effective 7/1/2019).

B. ELECTRONIC FILING RULES THAT APPLY ONLY TO NON-CRIMINAL CASES

(1) MANDATORY ELECTRONIC FILING AND SERVICE

As authorized by Code of Civil Procedure section 1010.6(d) and Rules of Court, Rule 2.253(b)(1)(A), all parties represented by attorneys in all civil cases (including Family, Juvenile Dependency, and Probate cases) must file and serve documents electronically, except when personal service is required by statute or rule, and excluding ex parte applications which shall be submitted to the court as directed by the Local Rules of the Division in question. Attorneys who are subject to this rule, and self-represented parties who have consented to electronic filing and service, may not object to electronic service.

Self-represented parties are not required to file and serve documents electronically. Self-represented parties may continue to file, serve, and receive paper documents by non-electronic means according to all statutory requirements and the California Rules of Court that apply to paper documents, unless the self-represented party affirmatively agrees to electronic filing and service. Self-represented parties are encouraged to agree to electronic filing and service, and may agree by filing with the Clerk of the Court and serving on all parties, either electronically or by non-electronic means, a Consent to Electronic Filing and Service and Notice of Electronic Service Address [Form CW-9024].

An attorney who is required to file, serve, and receive documents electronically under this Rule may request to be excused from those requirements by showing undue hardship or significant prejudice.

An attorney requesting to be excused from mandatory electronic filing and service must file with the Clerk of the Court and serve on all parties a Request for Exemption from Mandatory Electronic Filing and Service [Judicial Council Form EFS-007] with a Proposed Order [Judicial Council Form EFS-008]. An attorney who files and serves a Request for Exemption from Mandatory Electronic Filing and Service must be served with documents in paper form until the Court rules on the Request for Exemption. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing, as fee waivers may be requested if the party otherwise qualifies for or has been granted a fee waiver as provided in this Rule.

(2) ELECTRONIC FILING FEE WAIVER

A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the court an application for waiver of court fees and costs [Judicial Council Forms FW-001 and FW-002].

(3) CONFIDENTIAL DOCUMENTS

Except as provided in Rules of Court, Rules 2.500 through 2.507, an electronically filed document is a public document at the time it is filed unless it is ordered sealed under CRC, Rules 2.550 to 2.551 or filed as a confidential document pursuant to law. Unless the document is confidential and/or will be filed under seal, to protect personal privacy, parties must refrain from including,

or must redact where inclusion is necessary, the personal data identifiers from all documents, including exhibits, filed with the court under this Rule, such as social security numbers, and financial account numbers. See CRC, Rule 1.201.

A motion to file documents under seal must be filed and served electronically. Confidential documents shall be lodged or filed with the court by electronic submission in the manner described in Rule 2.551(d). Such records must not be submitted in paper form, unless an exception to the mandatory electronic filing rules applies or has been granted. A cover sheet that identifies the lodged or sealed documents must be electronically filed. Redacted versions of any lodged or sealed documents must be filed electronically at the same time.

(4) DOCUMENTS NOT FILED ELECTRONICALLY

The following documents cannot be filed electronically: bench warrants, deposits of cash or check, bonds, undertakings, wills and codicils, original orders signed by a judicial officer, and trial exhibits.

The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Local Form FN-022 (Order for Payment from Court Deposit), Local Form FN-030 (Payee Data Record), Certificate of Facts Re: Unsatisfied Judgment, Letters issued by the Probate Court, and Citations issued by the Probate Court.

During trial, a party may submit to the courtroom clerk and serve by hand any pleadings, as long as the pleadings are also filed electronically before the close of business no later than the following court day.

A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF or it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit must file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

A party who is required, under these Rules, the California Rules of Court or otherwise, to lodge copies or to submit courtesy copies of certain documents at the request of the trial judge or other judge, must continue to deliver such documents in paper form. In the Civil Division, such documents must be delivered to Court Services with the Department number on the front page.

(5) PROPOSED ORDERS IN PROBATE CASES

Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in an fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.

(6) PROPOSED ORDERS IN CIVIL DIVISION CASES

Unless ordered by the Court or otherwise required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motions, pro hac vice applications, applications for writs of attachment, etc.), proposed orders must not be submitted before a hearing on a regularly-noticed motion. If instructed to prepare an order after a hearing, proposed orders after hearing must be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. The proposed order must not include attachments. Any description of the meet and confer process required by Rules of Court, Rule 3.1312 must be submitted by way of separate declaration. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in an fully editable word- processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) must be submitted to the Court by electronic mail using an address identified on the Court's website. (See Civil Local Rule 16.B.)

(Effective 8/25/2020)

C. PERMISSIVE ELECTRONIC FILING AND SERVICE FOR CRIMINAL CASES

Pursuant to Penal Code section 959.1, a criminal prosecution may be commenced by filing an accusatory pleading in electronic form. In addition, parties in criminal matters may file and serve documents electronically pursuant to Penal Code section 690.5(a), Code of Civil Procedure section 1010.6, and the authorities cited in paragraph 6(A) except for any Motion to Set Aside a Bail Forfeiture and any appeal of a denial of a Motion to Set Aside a Bail Forfeiture. (Effective 7/1/2019)

D. ELECTRONIC FILING AND SERVICE PROCEDURES THAT APPLY IN ALL CASES, INCLUDING CRIMINAL

Parties filing documents electronically must use one of the court's approved electronic filing service providers. Information concerning the approved electronic filing service providers, including the procedures for electronically filing documents with the court and for electronically serving documents, is available on the **c**ourt's website at www.scscourt.org.

(1) FORMAT FOR EXHIBITS AND DOCUMENTS

Exhibit attachments to pleadings filed electronically must be separated by a single page with a title identifying the sequence of the exhibit. Any pleadings or documents (except for trial exhibits) that are submitted to the Clerk in paper format must not be stapled, but instead must be held together by binder clips or two-prong fasteners.

(2) TRIAL EXHIBITS NOT TO BE FILED ELECTRONICALLY

Proposed trial exhibits must not be filed electronically but instead must be lodged in paper format with the trial department once assigned, unless otherwise instructed by the Court.

(Effective 7/1/2019)

E. DOCUMENTS NOT FILED ELECTRONICALLY

The following documents must not be filed electronically: bench warrants, deposits of cash or check, bonds, undertakings, wills and codicils, original orders signed by a judicial officer, and trial exhibits.

The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Local Form FN-022 (Order for Payment from Court Deposit), Local Form FN-030 (Payee Data Record), and Certificate of Facts Re: Unsatisfied Judgment. (Effective 1/1/2024)

During trial, a party may submit to the courtroom clerk and serve by hand any pleadings, as long as the pleadings are also filed electronically before the close of business no later than the following court day.

A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF or it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit shall file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

A party who is required, under these Rules, the California Rules of Court or otherwise, to lodge copies or to submit courtesy copies of certain documents at the request of the trial judge or other judge, shall continue to deliver such documents in paper form. In the Civil Division, such documents shall be delivered to Court Services with the Department number on the front page. (Effective 7/1/2018)

F. FORMAT OF EXHIBITS

Exhibit attachments to pleadings filed electronically shall be separated by a single page with a title identifying the sequence of the exhibit.

(Effective 6/20/2016)

G. ELECTRONIC FILING AND TRACKING OF TRIAL EXHIBITS

Proposed trial exhibits shall not be filed electronically but shall be lodged in paper format with the trial department once assigned, unless otherwise instructed by the Court.

(Effective 7/1/2018)

H. PROPOSED ORDERS

Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in an fully editable word-processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website. (Effective 1/1/2019)

RULE 7 PRIVATELY RETAINED COURT REPORTERS

A. PRIVATELY ARRANGED COURT REPORTERS SERVICES

If the services of an official court reporter are not available for a proceeding, a party may privately arrange for court reporter services at the party's own expense, pursuant to Government Code Section 68086 and California Rule of Court, rule 2.956.

B. ARRANGEMENTS FOR A REPORTER

A party must make arrangements for a reporter in advance of the proceeding if the party wishes the proceedings to be reported. Parties retaining a reporter must file a Request for Appointment of Official Reporter Pro Tempore (CV-5100) with the court at least 5 days prior to the hearing. At least one of the parties or counsel who wish the proceedings to be reported by the reporter to be appointed must sign the Request for Appointment. If the judicial officer has not received the Request for Appointment in time to approve it before the hearing, the Court has discretion to deny the request. (Effective 1/1/2019)

(1) PRIOR TO HEARING

When a party arranges for a reporter, the reporter must be appointed as an official reporter pro tempore before the hearing begins. Every reporter must complete and sign sections 1, 2, and 3 of the Request for Appointment of Official Reporter Pro Tempore (CV-5100).

(Effective 1/1/2019)

(2) ORDER APPOINTING PRO TEMPORE

The Judicial Officer must sign the order appointing the reporter as an official reporter pro tempore, using the Request for Appointment of Official Reporter Pro Tempore (CV-5100), before the reporter may report the proceeding. (Effective 1/1/2019)

C. STIPULATION AND APPOINTMENT

By signing the Request for Appointment of Official Reporter Pro Tempore (CV-5100), the reporter agrees to the following: (Effective 1/1/2019)

- (1) The reporter has a valid, current California Certified Shorthand Reporter License and is in good standing with the Court Reporters Board of California.
- (2) The reporter is not a current full-time employee of the court and appointment as an official reporter pro tempore will not interfere with the reporter's obligations as a court employee.

(Effective 7/1/2018)

- (3) The reporter will provide current contact information with the court.
- (4) All fees for reporting services, including appearance, transcript and real-time fees, are the responsibility of the party or parties who arranged for the reporter services and may not be charged to the court.
- (5) The reporter will comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts, including those for appeals, in the proper form.
- (6) The reporter will demonstrate the highest standards of ethics and impartiality in the performance of his/her duties.
- (7) The reporter will comply with the court's requirements regarding uploading electronic archiving of notes within 48 hours of the date of the proceedings except in extenuating circumstances and as approved in advance by the Director of Court Services, or make other arrangements if the only notes are in paper form
- (8) The reporter will follow directions from the court and will be subject to the jurisdiction of the court to the same extent as an official reporter.
- (9) The reporter will be available for read-back of notes taken during a jury trial within 30 minutes of the court's request.
- (10) If providing real-time reporting or other litigation support services (e.g. Live Note), the reporter is responsible for providing and connecting the necessary equipment. Instructions will be provided by the Director of Court Services.

D. ADDITIONAL INFORMATION FOR PARTIES AND REPORTERS

- (1) There can be only one official record of court proceedings, and only a reporter appointed by the court may report a court proceeding. (Code of Civil Procedure Section 273; Government Code Sections 70043 and 70044; Redwing v. Moncravie (1934) 138 Cal. App. 432, 434.) Only one reporter will be allowed to report a court proceeding at any given time. If the parties cannot agree on a reporter, the judicial officer will make the selection. The transcript may not be modified except on court order.
- (2) The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees, although the parties may arrange to share the fees at terms the parties negotiate. (California Rules of Court, rule 2.956(c).) All fees must be paid directly to the court reporter.
- (3) The tardiness or failure of a privately retained court reporter to appear for a trial or hearing will not be grounds to continue or delay a trial or proceeding, unless the court in its discretion finds good cause for a delay. (Effective 1/1/2021)

(4) TRANSCRIPTS

- (a) The judicial officer may order any party who arranges for the transcription of proceedings by the official reporter pro tempore to lodge a copy of the transcript with the court. (Code of Civil Procedure Section 128(a).)
- (b) Transcripts produced by an official reporter pro tempore will be treated, for court purposes, identically to transcripts prepared by official reporters. Reporting notes of an official reporter pro tempore are official records of the court. (Government Code Section 69955(a).) The notes of an official reporter pro tempore, when transcribed and certified, are prima facie evidence of the testimony and proceedings. (Code of Civil Procedure Section 273(a).)
- (c) Certified transcripts are admissible as evidence to the extent otherwise permitted by law. Transcripts prepared by a privately retained certified shorthand reporter appointed by the court as an official reporter pro tempore are admissible as evidence to the extent otherwise permitted by law. (Code of Civil Procedure Section 273(a).)
- (d) The Request for Appointment of Official Reporter Pro Tempore (CV-5100) is available as a form Attachment to the Local Rules at www.scscourt.org.

(Effective 1/1/2019)

RULE 8 COURT SECURITY VIDEO RECORDINGS

- **A.** Unless otherwise provided for by statute, court security video recordings must not be disclosed to non-Court personnel or agents except after consideration of a request for access to court security camera video form (See, e.g. Form GS-056) which will be sent to the Office of the General Counsel.
- **B.** Because court security video recordings may be exempt from disclosure under California Rules of Court, Rule 10.500(f)(6), any request for video must describe, as narrowly as possible, 1) the time, date, and location of the video sought, 2) the specific reasons disclosure is warranted, and 3) why there are no other alternatives to disclosure.
 - (1) If applicable, the request must give proposals for minimizing the potential impact on victims, witnesses, jurors, minors, judicial officers and court employees, the rationale for overriding the privacy interests of such persons, proposals for protection of such persons from harassment, embarrassment or intimidation, and proposals for protection of the attorney-client privilege.
- **C.** Upon receiving the request for access to court security video form, the Court will provide the requestor with a copy of this Rule and Form GS-056 and notify the Office of the General Counsel of the request.

(Effective 1/1/2021)

RULE 9 REMOTE PROCEEDINGS

A. DEFINITIONS

- (1) "Civil case" is as defined in California Rules of Court, rule 3.672(c)(1), and includes Juvenile Dependency and Juvenile Justice cases, unless otherwise specified.
- (2) "Remote technology" means technology that provides for the transmission of video and audio signals or audio signals alone, including, but not limited to, a computer, tablet, telephone, cell phone, or other electronic communication device.
 - (3) "Remote appearance" means the appearance at a court hearing using remote technology by a party, attorney, witness, expert, social worker or other court participant.
 - (4) "Remote proceeding" means a proceeding conducted in whole or in part using remote technology.

B. REQUIREMENTS FOR REMOTE APPEARANCES

- (1) A If a remote proceeding is authorized a, person appearing remotely must: (Effective 7/1/2024)
 - (a) Have sufficient internet speed and/or telephone connectivity to fully participate in all aspects of the hearing without disruption.
 - (b) Have the ability to clearly communicate with the court and all other participants at the hearing through a telephone, cell phone, microphone, headset or other similar device enabling a clear audio stream.
 - (c) If appearing by video, have a device capable of capturing and displaying a clear video stream.
 - (d) Have an indoor location with limited background noise that the person can use for the entire hearing.
 - (e) Ensure there are no interruptions or distractions for the duration of their appearance at the hearing. No other individual may appear with the participant or be heard during the hearing without prior court approval, other than when an attorney appears with their client from a common remote location.
 - (f) Observe the same degree of courtesy, decorum, and courtroom etiquette as required for an in-person appearance. Attorneys must appear in professional business attire. A remote court appearance is a court appearance and must be conducted consistent with the Court's Standing Order Regarding the Santa Clara County Bar Association Code of Professionalism.
 - (g) Comply with California Rules of Court, rule 1.150 and Local General Rule 2, by not recording, photographing, capturing an image of, or broadcasting any part of or any participant to a remote proceeding in any manner.
 - (h) Comply with any other instructions for remote appearances given by the judicial officer.
 - (2) The court may reschedule or continue a remote proceeding if the requirements listed in (B)(1) are not satisfied or if a distraction or disturbance interferes with the hearing.
- (3) A party, witness, reporter, interpreter or other participants should make an effort to alert the judicial officer of technological or audibility issues during a hearing by sending a message through the "chat" function of the remote technology, by informing another participant in the hearing, or by sending an email to the hearing department as directed by the court or department. (Effective 7/1/2024)
 - (4) Unless approved by the court, participants must appear with their camera turned on if appearing by video. If a participant has security concerns about appearing on camera, this concern should be brought to the court's attention prior to the hearing.
 - (5) If a participant is only able to appear by telephone, the participant must identify themselves when requested by the court and thereafter when speaking during the hearing. Participants appearing by telephone may not place the court on hold or use a speakerphone. Participants may turn off "caller ID" when appearing by telephone.

C. COURT DISCRETION TO REQUIRE IN-PERSON APPEARANCE

Notwithstanding the other provisions of this rule and the availability of remote technology, the court may, in its discretion, consistently with Code of Civil Procedure section 367.75:

- (Effective 7/1/2024)
 - (1) Require a party, attorney, or other participant to appear at any hearing in person; or
 - (2) On its own motion, conclude a remote proceeding and require a party or attorney to appear in person at a subsequent or continued hearing.

D. NOTICE AND WAIVER FOR DURATION OF CASE

- (1) Except as required by (C), a party may at any time during a civil case provide notice to the court and all other parties that the party intends to appear remotely for the duration of the case by filing Judicial Council of California form RA-010, Notice of Remote Appearance, at least 5 court days before the next scheduled hearing in the case.
- (2) All parties to a civil case may agree to waive notice of any other participants' remote appearance through a written stipulation filed with the court or through an oral stipulation made at a hearing.

E. SELF-REPRESENTED PARTIES

A remote appearance by a self-represented party in a civil case will be construed as an agreement to appear remotely at the hearing pursuant to Code of Civil Procedure section 367.75, subdivision (g).

F. IN-PERSON HEARINGS

(Effective 7/1/2024)

Whether a hearing will be held remotely or in person in civil cases is generally governed by Code of Civil Procedure sections 367.75 and 367.76, and rule 3.672 of the California Rules of Court. (Effective 7/1/2024)

- (1) The following evidentiary hearings will presumptively be conducted remotely, in whole or in part, as directed by the assigned judicial officer, in the Family Division:
 - (a) Court trials
 - (b) Evidence Code 402 and 403 hearings
 - (c) Fee waiver hearings
 - (d) Hearings on Requests for Order
 - (e) Review hearings based on a Request for Order, including Post Mediation Hearings, Judicial Custody Conferences, and Custody Settlement Conferences
 - (f) Hearings on orders to show cause
 - (g) Hearings regarding requests for domestic violence and gun violence, civil harassment and elder abuse restraining orders
 - (h) Hearings regarding requests for civil harassment and elder abuse restraining orders, when heard in the Family Division
 - (i) Long-cause hearings

For such remote evidentiary hearings, the court may nevertheless grant leave for a party, attorney, witness, or other court participant to appear in person, and such leave may be granted at the hearing itself.

(2) The court may exercise its discretion to require an in-person hearing or in-person testimony for the foregoing evidentiary hearings, on a hearing-by-hearing basis, either upon its own motion or after a party has filed an opposition to a remote hearing or remote testimony. A party may request that the court disallow a remote appearance or remote testimony by filing Judicial Council of California form RA-015, Opposition to Remote Proceeding at Evidentiary Hearing or Trial, at least 5 court days before the remote proceeding.

G. Other Hearings Held In Person

- (1) Except for the hearings listed in (F)(1), all other hearings will presumptively be held in person in civil cases unless the court orders the proceeding to be held remotely or grants leave for a participant to appear remotely.
- (2) All parties to a civil case may agree to a remote proceeding through a written stipulation filed with the court or through an oral stipulation made at a hearing. The court may accept or reject the stipulation.
- (3) A person may provide notice that the person intends to appear remotely at a hearing in the Civil Division, Family Division, Probate Division, or in Juvenile Justice by filing Judicial Council of California form RA-010, Notice of Remote Appearance, at least 5 court days before the hearing. This provision does not apply to dependency hearings in the Juvenile Division.
- (4) Any person who is authorized to be present at a juvenile dependency hearing, other than a testifying witness, may request to appear remotely using any means, oral or written, that is reasonably calculated to ensure receipt by the court no later than the time the case is called for hearing. The court retains discretion under (C) above to require an in-person appearance.
- (5) Any request for a remote appearance by a testifying witness in a juvenile dependency case must be made in writing by counsel for the party calling the witness or, if the party does not have counsel, by the party, by filing the request with the court and serving a copy of the request on counsel for all other parties or, if a party does not have counsel, on the party, by any means authorized by law reasonably calculated to ensure receipt no later than close of business three court days before the proceeding. The court retains discretion under (C) above to require an in-person appearance by the witness.
- (6) A remote appearance by a person who has not provided advance notice will be construed as a request to appear remotely pursuant to California Rules of Court, rule 3.672(j)(2). The court may grant leave for the person to appear remotely at the hearing. (Effective 4/1/2022)

EXHIBIT C

TO THE DECLARATION OF KEMI MUSTAPHA



October 10, 2024

VIA U.S. MAIL & EMAIL

Hon. Beth McGowen, Presiding Judge
Hon. Julie A. Emede, Presiding Judge-Elect
Rebecca Fleming, Chief Executive Officer
Superior Court of Santa Clara County
191 N. First Street
San Jose, California 95113
BMcGowen@scscourt.org
JEmede@scscourt.org
RFleming@scscourt.org

Re: Use of Electronic Recording to Create an Official Verbatim Record in the Absence of a Court Reporter

Dear Judge McGowen, Judge Emede, and Ms. Fleming:

This letter is sent on behalf of Bay Area Legal Aid ("BayLegal") and Family Violence Appellate Project ("FVAP"). BayLegal is the largest provider of free civil legal services in the San Francisco Bay Area. The vast majority of BayLegal's clients are indigent, earning less than 200% of the federal poverty guideline. BayLegal represents clients throughout Santa Clara County at the trial court and appellate level across a wide range of areas, including family law, probate, and unlimited civil proceedings. FVAP is a non-profit organization that represents clients in appeals involving domestic violence and similar issues throughout the state. FVAP's core mission is to promote the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by appealing dangerous and wrong decisions, and by ensuring all survivors have access to justice at the trial court level through published case law, training, policy advocacy, and legal technical assistance.

In 2022, the Superior Courts of California sounded the alarm about the "chronic" court reporter shortage.¹ BayLegal and FVAP appreciate that this Court faces an unprecedented dilemma in triaging its court reporter staff across its courtrooms. However, BayLegal and FVAP are deeply concerned that no verbatim record exists in an estimated 483,500 family, probate, and unlimited civil hearings in California courts heard between October 1, 2023 and March 31,

 $https://www.lacourt.org/newsmedia/uploads/14202211213124511.02.2022\\ JOINTCEOSTATEM ENTRECOURTREPORTERSHORTAGE.pdf.$



¹ Superior Courts of California, "There is a Court Reporter Shortage Crisis in California," (Nov. 2, 2022), available at

2024,² and the crisis has only worsened. Despite this Court's statement that "[c]ourt reporters will be provided by the Court in all . . . cases in which an official court reporter is required by the Supreme Court opinion in the case of *Jameson v. Desta*,"³ according to a review of BayLegal's own cases and publicly available data, approximately half of family, probate, and other unlimited civil proceedings are unreported, even when an indigent litigant with a fee waiver has submitted an official request for a court reporter.

While indigent civil litigants are offered continuances or the opportunity to hire a private court reporter when they have requested a court reporter and one is unavailable, that is an inadequate remedy. It is BayLegal's experience and the experience of their clients that in many cases these continuances can go on for several months. The length and number of continuances and the prohibitive costs of hiring a private reporter for indigent litigants leads many to proceed to a hearing or trial without a court reporter. Because this Court's policies do not provide electronic recording for the purposes of securing a verbatim record of a proceeding in unlimited civil, probate, and family law matters, these litigants then are left without any means of securing a record.

Access to a verbatim record of court proceedings is a cornerstone of justice. It ensures transparency, accountability, and the right to appeal—fundamental elements of our legal system. The lack of a verbatim record will (1) undercut consistency in cases that may involve multiple hearings over extended periods of time and/or involve multiple judges, (2) undermine litigants' ability to understand and communicate what has happened at a hearing and what orders were issued, and (3) jeopardize litigants' ability to challenge erroneous orders on appeal. In fact, BayLegal and FVAP have seen first-hand how the "lack of a verbatim record ... will frequently be fatal to a litigant's ability to have [their] claims of trial court error resolved on the merits by an appellate court." (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608.)

The California Supreme Court's decision in *Jameson* requires this Court to provide an official verbatim record to indigent litigants.⁴ (*Jameson*, *supra*, 5 Cal.5th at 605–606.) This Court's failure to provide verbatim recording to the indigent litigants appearing before it is a direct violation of this Court's obligations under *Jameson*. Moreover, as the Los Angeles Superior Court stated in its September 5, 2024 General Order on this subject, failure to provide a free verbatim record to litigants who cannot retain a private court reporter will often violate these litigants' constitutional rights.⁵ Indeed, the California Court of Appeal has recognized that "the absence of a verbatim record can preclude effective appellate review, cloaking the trial court's actions in an impregnable presumption of correctness regardless of what may have actually transpired. Such a regime can raise grave issues of due process as well as equal protection in light of its disparate impact on litigants with limited financial means." (*In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, n.3.)

Page 2 of 3

² Judicial Council of California, "Fact Sheet: Shortage of Certified Shorthand Reporters in California," (June 2024), available at https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf.

³ Superior Court of Santa Clara County, "Official Court Reporter Availability," (Oct. 13, 2020), available at https://santaclara.courts.ca.gov/general-information/court-reporter-information.

⁴ Indigent litigants, as used herein, is any litigant who is eligible for a fee waiver for court fees and costs pursuant to Government Code section 68632.

⁵ Superior Court of Los Angeles County, General Order re Operation of Electronic Recording Equipment for Specified Proceedings Involving Fundamental Liberty Interests in the Absence of an Available Court Reporter (Sept. 5, 2024).

If this Court cannot provide free court reporters for indigent litigants, it must use electronic recording to make the verbatim record. While we understand the tension with the apparent limitations on electronic recording set forth in Government Code section 69957, we believe the Court's obligation to uphold litigants' constitutional rights and to follow *Jameson* requires such a solution.⁶ We ask that this Court move forward expeditiously to use electronic recording to create official verbatim records for indigent litigants in all civil proceedings (including family and probate proceedings) when a court reporter is not available.

We would appreciate the opportunity to meet with you to discuss this issue in greater depth. We ask that you please contact Lisa Newstrom at lnewstrom@baylegal.org as soon as possible to arrange this, but no later than October 25, 2024. We look forward to your response.

Respectfully,

Lisa Newstrom

Managing Attorney, Santa Clara County Office

Kemi Mustapha

Supervising Attorney for Family Law

Bay Area Legal Aid

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⁶ The Presiding Judge of the Los Angeles Superior Court, the largest trial court in the nation, issued a General Order on September 5, 2024 that permits electronic recording in family law, probate, and civil proceedings, notwithstanding Government Code section 69957. While the Los Angeles Superior Court's order is an important first step, it does not fully protect the constitutional rights of indigent litigants, as only certain indigent litigants will have access to a verbatim record created by electronic recording under the General Order.

EXHIBIT D

TO THE DECLARATION OF KEMI MUSTAPHA

Superior Court of California County of Santa Clara

191 North First Street San José, California 95113 (408) 882-2700

Chambers of HON. BETH McGOWEN, Presiding Judge



October 16, 2024

Lisa Newstrom
Managing Attorney, Santa Clara County Office
Kemi Mustapha
Supervising Attorney for Family Law
Bay Area Legal Aid
4 North Second Street, Suite 600
San Jose, CA 95113

Dear Ms. Newstrom and Ms. Mustapha:

This letter responds to your letter dated October 10, 2024 to me, Judge Julie Emede and Rebecca Fleming from you, on behalf of Bay Area Legal Aid and Family Violence Appellate Project, on the subject "Use of Electronic Recording to Create an Official Verbatim Record in the Absence of a Court Reporter."

The Court has been studying and addressing the challenges arising from the declining number of employee court reporters since approximately 2014. We are acutely aware of and thoroughly understand the issues and concerns that you raise in your letter; while we do not believe it is necessary to meet, we appreciate you providing your position in writing.

Thank you.

Hon. Beth/Mc/Gowen

Presiding/Jugge

TAB 3

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.

DECLARATION OF
JESSICA WCISLO IN
SUPPORT OF
PETITION FOR
WRIT OF MANDATE
AND/OR
PROHIBITION

- I, Jessica Wcislo, declare as follows:
- 1. I am an attorney licensed by the State of California and have been admitted to practice since 2021.
- 2. I am a Staff Attorney at Bay Area Legal Aid ("BayLegal"). I make this declaration in support of the Petition for Writ of Mandate and/or Prohibition, based on personal knowledge, and will testify thereto if called upon to do so.

I. BACKGROUND AND EXPERIENCE

3. I joined BayLegal's family law team in the Richmond office in 2021. Since then, I have represented low-income survivors of domestic violence in their family law matters in Contra Costa County Superior Court ("CCSC"), including child custody and visitation, child and spousal support, dissolution,

paternity, and domestic violence restraining order proceedings. I have represented dozens of clients in CCSC and have appeared in over 30 trials and evidentiary hearings. I provide full-scope and limited-scope representation to clients in the trial court and evaluate their cases for potential appellate review. I also provide brief services and advice to pro se litigants, including helping individuals understand orders issued in their case, what happened at prior hearings, and how to prepare for future proceedings. Almost all my clients are indigent and eligible for a waiver of court fees and a free court reporter, and many are on some form of government assistance.

4. I also facilitate and supervise a domestic violence restraining order clinic that assists *pro se* litigants by providing legal information and helping them complete and file necessary paperwork such as requests for domestic violence restraining orders, custody/visitation orders, and support orders.

II. THE COURT REPORTER SHORTAGE IN CONTRA COSTA COUNTY SUPERIOR COURT

5. Contra Costa County is the ninth most populous county in California and is home to nearly 100,000

¹ "Full scope representation" is when we represent clients as their attorney of record in every aspect of the case. "Limited scope representation" is when we represent clients as their attorney of record for only a portion of the case, such as a hearing or motion.

² "Brief services" includes, for example, helping clients draft a memorandum of points and authorities, obtain evidence, or contact third parties without becoming an attorney of record in the client's case.

residents living below the poverty line.3

- 6. CCSC is comprised of 48 courtrooms spread across five courthouses. Family law matters are typically heard in the Wakefield Taylor Courthouse and Spinetta Family Law Center in Martinez, California, approximately 40 miles from BayLegal's Richmond office.
- over the last three years, CCSC has an insufficient number of court reporters to meet the needs of my clients. As discussed below, requests for court reporters are frequently going unfulfilled, and the alternatives available when that happens hiring private court reporters or accepting a continuance are typically infeasible options for our clients. Therefore, when our Contra Costa clients request a court reporter and CCSC is unable to provide one, about 80% decide to proceed without a court reporter and, as a result, there is no verbatim recording of their proceedings.
- 8. CCSC has confirmed the court reporter shortage has led to reporters not being available for hearings, even when they are requested. In a July 19, 2024 letter, CCSC's General Counsel stated that "staffing for court reporters has been

³ World Population Review, California Counties by Population (2024) (as of November 19, 2024),

https://worldpopulationreview.com/us-counties/california. The United States Census calculated 8.3% of Contra Costa County's 1,165,927 residents are living in poverty. (United States Census Bureau, Contra Costa County, California [as of November 19, 2024],

https://data.census.gov/profile/Contra Costa County, California? g=050XX00US06013.)

an ongoing issue for trial courts throughout the state," and that this "crisis has not abated but only worsened. The Court currently has 16 full time and 2 part time reporters, down from well over 30 full-time reports in 2019. The result is that the Court often lacks sufficient reporters for even those cases where reporters are statutorily mandated [...]. While the Court makes every effort to provide reporters whenever requested, and even where not required by law, staffing shortages make this impossible on a regular basis." (See July 19, 2024 Letter to BayLegal from CCSC Responding to Public Record Request, at pp. 1 & 2, a true and correct copy of which is attached as **Exhibit A**.)4

- 9. CCSC has tried to address this shortage.
 According to CCSC, its efforts to recruit and retain court reporters include offering signing bonuses (up to \$30,000), finder's fees (up to \$20,000 per referral), flex time and bonuses for existing employees, tuition reimbursement for court reporting or voice writing school, as well as allocating \$90,000 for advertising. (See December 7, 2023 SIEU Side Letter Agreement, a true and correct copy of which is attached as **Exhibit B**, [provided to me by CCSC in response to my Public Record Request].) Despite these efforts, the court reporter shortage has not abated. (See **Exhibit A**, at p. 2.)
 - 10. CCSC's current practice is to only provide court

⁴ CCSC sent me this letter in response to the Request for Judicial Administrative Records that I submitted on June 24, 2024. I sent the request pursuant to California Rules of Court, rule 10.500, via email and U.S. mail.

reporters in family, probate, or other unlimited civil proceedings if a fee waiver litigant has formally requested one, and if one is available. (See id. at pp. 6-7.) CCSC's General Counsel explained that "[r]eporters are assigned to Family Law based on availability after assignment to other departments where reporters are required by law ... with priority first going to Family Law contempt hearings, then domestic violence restraining order matters, then other Family Law matters." (Id. at p. 7.) This practice is reflected in CCSC's current Standing Order 4.3 (formerly 7.15) and "Notice of Availability of Court Reporting Services." (See Standing Order 4.3, a true and correct copy of which is attached as **Exhibit C** [ordering that "[t]he Court may move reporters from Family Law to perform reporting services in other court departments, except for those Family Law cases where a reporter is required by statute or case law"; see also "Notice of Availability of Court Reporting Services," a true and correct copy of which is attached as **Exhibit D** [confirming that "[l]imited [court reporter] [s]ervices [are] [a]vailable" in family and probate departments, "[o]fficial [c]ourt [r]eporter[s]" are available in felony criminal and juvenile departments, and "[e]lectronic [r]ecording" is provided in small claims, misdemeanor, traffic, and unlawful detainer departments].)

11. At a June 27, 2024 domestic violence restraining order request hearing, I stated on the record that we requested a court reporter but none was provided. The judicial officer responded: "in terms of resources for a court reporter, the court is extremely low staffed. And so while we recognize that

there are people with fee waivers requesting reporters, the reporters that we do have have to go to the criminal section before they can come to family law. So the reporters that we have are all in criminal hearings or preliminary hearings or trials, which is why we do not have one here today." (See Redacted Excerpt of Transcript of 6/27/2024 Hearing, Department 26, a true and correct copy of which is attached as **Exhibit E**, at 12:20-13:04.)

- 12. Due to the consistent unavailability of court reporters, one family law department provides a warning at the beginning of all hearings in that department: "THE COURT INFORMS PARTIES AND COUNSEL THAT THIS DEPARTMENT (DEPARTMENT 26) WILL NOT HAVE A COURT REPORTER PROVIDED AND THIS MATTER PROCEEDS WITHOUT ONE." (See, e.g., June 12, 2024 Minute Order, June 25, 2024 Minute Order, and March 1, 2024 Minute Order, true and correct copies of which are attached as **Exhibits F H**, respectively.)
- litigants to request a court reporter as follows: "Generally, a request [for a court reporter] is made in an individual case; the Court Reporter manager is thereafter informed and provides a reporter where available. The manager then assigns reporters as available on a given day." (**Exhibit A**, at p. 7.) "Where reporters are unavailable, parties are given the option to reschedule." (*Id.*) The court cautions that "[a]dvance notice of court reporter unavailability cannot be given to parties as the Court does not

know the full availability of court reporters for a particular day until that morning." (*Id.*, at pp. 3 & 7.) Consistent with this, CCSC's local form for requesting a court reporter states: "Final notice of the availability of a court reporter may not be known until the day of the trial or hearing." (CCSC's Local Form MC-30, a true and correct copy of which is attached as **Exhibit I**.)

14. I typically request a court reporter in my family law cases, but CCSC regularly fails to provide one because they are unavailable. I understand this happens in all types of family law proceedings including short cause evidentiary hearings, long cause trials, 5 procedural motions, and other proceedings involving custody, visitation, child or spousal support, divorce, separation, paternity, or domestic violence restraining orders. On November 7, 2024, I reviewed my case files and records for current and former clients over the past two years and found that CCSC did not provide a court reporter in 57% of hearings where the client had a fee waiver on file. At least half of those hearings also had a court reporter request on file. These hearings involved domestic violence restraining order requests, domestic violence restraining order renewals, and custody and visitation orders. CCSC has also acknowledged that it cannot always provide a court reporter when one is requested by a litigant with a fee waiver. For example, on April 8, 2024, CCSC Court Coordinator Elissa Chambers sent an email stating that the party "does have a fee waiver on file, and he filed the MC-30 [sic] on 3/26.

⁵ "Short cause" hearings are evidentiary hearings that last approximately 20 minutes. "Long cause" trials last several hours, days, or weeks.

However, I do not have enough reporters today to cover all our mandated departments, so I will be unable to send one to D12 for this hearing." A true and correct copy of this email is attached as **Exhibit J**, which I received from CCSC in response to my Public Record Request.

15. It has been my experience that CCSC does not permit judicial officers to use electronic recording to create an official verbatim recording in family law, probate, and unlimited civil cases – even when a court reporter is unavailable. Our Consumer team, which represents low-income consumers in debt collection and related matters, confirmed that their unlimited civil cases are not recorded electronically or by court reporters.

III. THE IMPACT OF THE COURT REPORTER SHORTAGE ON BAYLEGAL'S CLIENTS

- 16. When a court reporter is unavailable, our clients are typically offered three choices: (1) hiring their own private court reporter, (2) continuing the hearing in the hopes that a court reporter will be available on the new date, or (3) going forward with their hearing without a verbatim record. For the reasons stated in more detail below, these options are either not feasible or cause harm to my clients.
- 17. Private court reporters charge hundreds to thousands of dollars per day for their services. Most, if not all, of our clients are indigent and unable to afford this cost. Because of BayLegal's limited funds, we have only hired a private court reporter on two recent occasions in one of my cases. The proceedings were set for evidentiary hearings on a request for a domestic violence restraining order and an exparte request to

modify custody and visitation following a violent incident between the minor child and their father. I formally requested a court reporter for each hearing, but CCSC informed me that court reporter availability would be unknown until the morning of the hearing. Both times, no court reporter was provided. In an abundance of caution, I retained a private court reporter because I was concerned CCSC would not provide one and wanted to preserve my client's ability to appeal. The cost of the private court reporters for these two hearings were \$628.00 and \$1,406.00, respectively.

18. Continuing a hearing to a future date can lead to lengthy delays. Based on my experience, "short cause" evidentiary hearings are continued on average for two to five months. "Long cause" trials are often continued out much longer because it is difficult to find an open date on the court's calendar. There is no guarantee that a court reporter will be available on the new hearing date, and as a result, our clients have experienced multiple continuances of a single proceeding. For example, in one of my cases multiple continuances based on court reporter unavailability has resulted in over 13 months of cumulative delay, and counting. (See DV-116 Order on Request to Continue Hearing, a true and correct copy of which is attached as Exhibit K [reflecting the case was continued because "[t]here was no court reporter present." [redacted to protect my client's confidentiality]; see also November 2023 Minute Order, a true and correct copy of which is attached as **Exhibit L** [reflecting the case was continued again "due to a court reporter not being

available." [redacted to protect my client's confidentiality].)

- 19. These delays negatively impact my clients. As explained in the accompanying declaration of Kemi Mustapha, the Supervising Attorney for Family Law at BayLegal, our clients often cannot afford to make multiple court appearances. Our clients also suffer anxiety and depression, and can be retraumatized each time they are forced to appear in court with their abusers.
- 20. In addition, many of my clients are operating under temporary orders (e.g., temporary domestic violence restraining order, temporary custody order) and there can be detrimental effects when these orders are extended until a court reporter is available. For example, when my client's hearing on their request for a domestic violence restraining order was continued due to court reporter unavailability, the abuser stalked and harassed my client for several months leading up to the new hearing date. Despite being restrained by a temporary order, the abuser broke into my client's home and physically assaulted the parties' minor child. In another case, my client contemplated proceeding without verbatim recording of a hearing on a domestic violence restraining order request when a court reporter was unavailable for her hearing date, because they were concerned about losing witnesses who had already missed work to attend court on two previous occasions. My client decided to continue the case and is awaiting a hearing in May of 2025 — 13 months after the initial hearing date.
 - 21. Due to the inaccessibility of private reporters

and harms of delays, many clients proceed without a verbatim recording. Without any verbatim recording of their case proceedings, our clients are unable to appeal orders that merit appellate action. At the restraining order hearing discussed in the beginning of paragraph 15, my client presented evidence of over 300 violations of the temporary restraining order, dozens of which were documented, including the abuser's assault of the parties' child. Although these violations constituted abuse under the governing law, the judicial officer concluded the abuser was acting "like a concerned father" and did not address the violations. Despite the harm to the client and the apparent need for appellate guidance, BayLegal was unable to consider an appeal without a verbatim recording of judicial officers' ruling and reasoning. This negatively impacts the individual client who cannot appeal the order and deprives the Court of Appeal of the opportunity to provide much-needed guidance to the trial courts on how to avoid repeating these same errors in other cases.

22. Lack of verbatim recording also creates problems at the trial court level. The parties may misunderstand or dispute what orders or factual findings were made orally. This can be especially problematic when cases are assigned to different judges, transferred to another county or state, or when parties request changes to custody or visitation orders made years prior. For example, in one of my cases the lack of verbatim recording resulted in the other party having unsupervised visitation for a period of time, even though the court found he had committed child abuse. At the most recent hearing, the court

issued an order requiring professionally supervised visits for the other party. Their attorney was instructed to draft and submit the Findings and Order After Hearing but substituted out of the case before doing so. This left the parties without any documentation of the new order. The other party refused to follow the new order and relied on the prior order that afforded him unsupervised visits. Because my client could not submit a transcript with a Proposed Findings and Order After hearing, there was a dispute about what the court actually ordered and my client ultimately filed a Request for Order for a new hearing, asking the court to issue an order documenting the new supervised visitation order. This delay gave the other party more unsupervised visits with the children, putting them in danger of further abuse.

IV. THE IMPACT OF THE COURT REPORTER SHORTAGE ON BAYLEGAL'S MISSION

- 23. My limited time is wasted when I prepare for and appear repeatedly in court for hearings that are delayed due to the unavailability of court reporters. Preparation for a short cause hearing typically requires several days of work: I spend multiple days drafting and filing declarations and memoranda, three to eight hours preparing myself and my client for the hearing, an hour traveling to court, and one to three hours appearing in court. If a hearing is continued, I will then need to re-prepare, file an update with the court, and appear again at the new hearing date. This takes my time away from other clients' cases and means I am unavailable to represent new clients.
 - 24. On October 10, 2024, I sent a letter to CCSC by

email and U.S. mail demanding they meet their obligations to provide court reporters for eligible civil litigants or, if they are unable to do so, by electronically recording those litigants' proceedings. Attached as **Exhibit M** is a true and correct copy of that letter. On October 21, 2024, the court responded to our letter. Attached as **Exhibit N** is a true and correct copy of that response.

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

Executed on November 26, 2024 in Concord, California.

Jessica Wcislo, Esq.

EXHIBIT A

TO THE DECLARATION OF JESSICA WCISLO



Superior Court of California

COUNTY OF CONTRA COSTA
725 COURT STREET
P.O. BOX 911
MARTINEZ, CA 94553

July 19, 2024

Via Electronic and Certified Mail

Jessica Wcislo Bay Area Legal Aid 1735 Telegraph Ave. Oakland, CA 94612

Dear Ms. Wcislo:

This constitutes the Court's response to the request of Bay Area Legal Aid (BALA) for judicial administrative records under Rule 10.500 of the California Rules of Court. BALA requests 23 separate categories of documents concerning provision of court reporters, many requests focused specifically on family law departments. The following time periods apply to the request: 1) for requests 1-8, July 1, 2021, through September 30, 2021; 2) for requests 9-19, January 1, 2020, to present; and 3) for the remaining requests, January 1, 2019, to present.

Initially, the Court notes that staffing for court reporters has been an ongoing issue for trial courts throughout the state, resulting in production of several documents relevant to the issue if not specifically responsive to any particular BALA request:

- The Judicial Council prepared a fact sheet on the issue: https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf
- Multiple Court Executive Officers, including Contra Costa Superior Court Executive Officer Kate Bieker, issued a statement on the crisis in 2022: https://www.cc-courts.org/general/docs/11-02-2022JointCEOStatmentReCourtReporterShortage.pdf.

 The Judicial Council keeps ongoing statistical data on court reporter recruitment, retention, and attrition, viewable by quarter from 2023 forward, which continues to show net decreases in court reporters statewide: https://www.courts.ca.gov/76328.htm.

The crisis has not abated but only worsened. The Court currently has 16 full time and 2 part time reporters, down from well over 30 full-time reports in 2019. The result is that the Court often lacks sufficient reporters for even those cases where reporters are statutorily mandated (felonies, LPS, etc.). Priority goes to those cases where reporting is required; certain of your organization's requests imply obligations – e.g., a "requirement" for reporters in Family Law cases – that do not exist. While the Court makes every effort to provide reporters whenever requested, and even where not required by law, staffing shortages make this impossible on a regular basis.

Within this context, the Court answers Bay Area Legal Aid's requests individually below. Documents produced with this response will accompany the hard copy in the form of an external drive, as the size of the production prohibits electronic transmission even as a compressed file.

 Records relating to any policy in effect at any time during the applicable time period to provide or not provide court reporters in any civil department, including any existing policy, proposed and/or accepted changes to such policy, and/or the adoption of any new policy;

The Court has responsive judicial administrative records. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. Court policies regarding reporters are included in Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx.

 Records relating to communications received by any civil department from the Manager of the Court Reporters or their designee regarding the availability of court reporters, how to request court reporters, and anticipating court reporter vacancies and/or unavailability;

The Court has judicial administrative records responsive to this request. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) In addition, certain such correspondence would be subject to the Court's record retention policy and no longer available: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. Responsive records consist of a 2019 email concerning availability of Family Law reporters at the time, which is produced. In addition, Court policies regarding reporters are included in Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx.

Given that correspondence from 2021 is not available, and in a good faith effort to provide some responsive information as to the general process, the Court provides records consisting of samples of communications to and from the manager of the court reporters to Family Law departments concerning the scheduling of reporters from later years. These include a sample daily email from the manager confirming where coverage is available; a sample communication to the manager concerning those cases (e.g., DVRO) where a reporter could be assigned if available; a sample communication from the manager to departments when a court reporter is unavailable; sample communications from two months in 2023 to and from Department 16 to show a range of responses over time on issues responsive to this request; and two sample daily logs from the court reporter manager showing how need, availability, and assignments are tracked. The Court will not produce every such item of correspondence, or every daily log, over other extended periods, as doing so is an undue burden on the Court which far outweighs the public interest in disclosure given the effort required and the minimal public benefit in providing multiple, daily copies of what is essentially the same document. (Cal. Rules of Ct., rule 10.500(f)(12); see ACLU Foundation v. Deukmejian (1982) 32 Cal.3d 440, 453.) Advance notice of court reporter unavailability cannot be given to parties as the Court does not know the full availability of court reporters for a particular day until that morning.

 Records relating to the Court's process for assessing and communicating the availability and/or scheduling court reporters in the civil departments, including, but not limited to, advance notification to parties of court reporter attendance at such hearings;

The Court has responsive judicial administrative records consisting of the sample correspondence provided in response to Request No. 2, the response to which – including objections and exemptions – is incorporated here.

4. Records relating to the audio recording of court proceedings where a court reporter is unavailable in the Family Law departments, including the availability of such recordings or equipment for such recordings, and any discussion or decision around whether and in what circumstances to provide such recordings;

The Court has judicial administrative records responsive to this request. Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Audio recordings themselves are not judicial administrative records subject to production under Rule 10.500. (See Cal. Rules of Ct., rule 10.500(b)(1), (c)(1), (c)(2).) The Court does electronically record hearings where permitted and when a court reporter is not otherwise available. See Cal. Gov. Code section 65899. Availability of electronic recording is also part of the Court's notice of availability of court reporters posted at the courthouse and at https://www.cc-courts.org/civil/court-reporting-services.aspx. Responsive judicial administrative records include the contracts with entities involved in electronic recording, provided herewith.

Records relating to communications and/or discussions regarding the Court's compliance with the requirement to provide court reporters in the Family Law departments;

The Court does not understand the reference to a "requirement to provide court reporters in the Family Law department" as there is no such requirement. That said, the Court has responsive judicial administrative records consisting of the sample correspondence provided in response to Request No. 2, the response to which – including objections and exemptions – is incorporated here.

- 6. Records of correspondence regarding the issue of providing court reporters in the Family Law departments sent or received by:
 - a. Kate Bieker
 - b. Rebecca Hardie
 - c. Danielle Douglas
 - d. Elissa Chambers
 - e. Betty Jaw
 - f. Erin Everett

The Court has responsive judicial administrative records consisting of the sample correspondence involving Ms. Chambers, manager of the court reporters, and other Court staff provided in response to Request No. 2. That response – including objections and exemptions – is incorporated here. The Court has no judicial administrative records responsive to the remaining subsections; such correspondence would be subject to the Court's record retention policy and no longer available: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf.

- 7. Records of correspondence regarding the issue of providing court reporters in the Family Law departments sent or received by anyone other than those listed in number 6, above, holding the following job titles:
 - a. Court Executive Officer, Superior Court of Contra Costa County
 - b. Presiding Family Law Judge
 - c. Supervising Family Law Judge
 - d. Manager of the Court Reporters
 - e. Director of Family Law
 - f. Director of Family Law and Probate.

The Court has responsive judicial administrative records consisting of the sample correspondence involving Ms. Chambers, manager of the court reporters, and other Court staff provided in response to Request No. 2. That response – including objections and exemptions – is incorporated here. The Court has no judicial administrative records responsive to the remaining subsections; such correspondence would be subject to the Court's record retention policy and no longer available: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf.

8. Records of communications, orders, and/or policies relating to and/or discussing any decision to no longer provide court reporters in the Family Law departments.

The Court has responsive judicial administrative records. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available

pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. Court policies regarding reporters are included in Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx. In general, reporters are not required in Family Law matters. Reporters are assigned to Family Law based on availability after assignment to other departments where reporters are required by law (e.g., felony trials, LPS matters), with priority first going to Family Law contempt hearings, then domestic violence restraining order matters, then other Family Law matters.

Records relating to how requests for court reporters by parties with fee waivers are processed by the Court in any civil case from filing to compliance with or denial of the request;

The Court has judicial administrative records responsive to portions of this request. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Responsive judicial administrative records consist of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court has provided samples of communications to and from the manager of the court reporters to the departments in response to Request No. 2 and incorporates that response – including objections and exemptions – here. Generally, a request is made in an individual case; the Court Reporter manager is thereafter informed and provides a reporter where available. The manager then assigns reporters as available on a given day.

10. Records relating to how requests for court reporters by income-eligible parties in domestic violence restraining order cases (where filing is free and fee waiver applications are not filed) are handled or processed by the Court;

The Court has judicial administrative records responsive to portions of this request. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Responsive judicial administrative records consist of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court has provided samples of communications to and from the manager of the court reporters to the departments in response to Request No. 2 and incorporates that response – including objections and exemptions – here. Generally, a request is made

in an individual case; the Court Reporter manager is thereafter informed and provides a reporter where available. The manager then assigns reporters as available on a given day.

11. Records relating to the process(es) used, step(s) taken, and/or factors considered when the Court determines which departments and/or hearings to assign court reporters, including any internal or external policies that reflect such processes;

The Court has judicial administrative records responsive to portions of this request. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Responsive judicial administrative records consist of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court has provided samples of communications to and from the manager of the court reporters to the departments in response to Request No. 2 and incorporates that response – including objections and exemptions – here. Generally, a request is made in an individual case; the Court Reporter manager is thereafter informed and provides a reporter where available. The manager then assigns reporters as available on a given day. In general, reporters are not required in Family Law matters. Reporters are assigned to Family Law based on availability after assignment to other departments where reporters are required by law (e.g., felony trials, LPS matters), with priority first going to Family Law contempt hearings, then domestic violence restraining order matters, then other Family Law matters. Where reporters are unavailable, parties are given the option to reschedule.

12. Records relating to any training, guidance, and/or internal communications to court staff regarding: (a) the availability of court reporters in civil departments; (b) how parties can or should make a request for a court reporter; (c) how to respond to or process a request for a court reporter; and (d) providing advance notice to litigants who requested a court reporter that one will be unavailable for their hearing;

The Court has judicial administrative records responsive to this request, consisting of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Advance notice of court reporter unavailability cannot be given to parties as the Court does not know the full availability of court reporters for a particular day until that morning.

13. Records relating to the Court's efforts to inform members of the public of their right to request a court reporter and/or assist them in preparing such a request, including, but not limited to, written policies or unwritten practices by the Family Law Facilitator's office and self-help center;

The Court has judicial administrative records responsive to this request, consisting of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx. The Facilitator Office also uses Live Chat and has the following response within Live Chat that the office provides when asked about court reporters or fee waivers: "If you cannot afford the court filing fee or if you receive a qualifying form of public assistance, you can ask the court to allow you to open a case/file a motion at no cost or at a reduced cost. For more info. see https://www.courts.ca.gov/documents/fw001info.pdf. To get the forms, click here: https://www.courts.ca.gov/documents/fw001.pdf and https://www.courts.ca.gov/documents/fw003.pdf. If you would like a court reporter for your hearing, please submit form MC-30, Request for Court Reporting Services by a Party with Fee Waiver, https://www.cc-courts.org/docs/MC-30 Request Court Reporting Services By Party with Fee%20Waiver.pdf." The Court will not produce correspondence by and between members of the public who may use the Live Chat service, as those are not judicial administrative records and would be exempt even if they were. (See Cal. Rules of Ct., rule 10.500(b)(1), (c)(1), (c)(2), and rule 10.500(f)(1), (3), (5), (9), (11), (12).)

14. Records that describe, discuss, or relate to the Court's hiring and retention efforts for court reporters, and any changes thereto, including: (a) the Court's budget for court reporting services overall; (b) court reporter salaries, including any hiring or other bonuses; (c) efforts to recruit and hire court reporter staff; (d) efforts to retain court reporter staff; (e) standard court reporter contracts; and (f) the source(s) of funding for the Court's recruitment, hiring, and retention practices identified herein; This request does not seek any confidential personnel information about individual court reporters; rather it requests information about the Court's decision-making around setting salaries for court reporters.

The Court has responsive judicial administrative records. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. The Court's

budget and allocations – including the Schedule 1, Schedule 7A (salaries), Report of Revenues, and Quarterly Statements, are publicly available on the Judicial Council website for the periods requested: https://www.courts.ca.gov/7552.htm. Additionally, the budget template documents for the years requested provide additional detail by Cost Center, including Cost Center 7-3230 for Court Reporters. The Court receives an annual SB170 Court Reporter Allocation, which began in fiscal year 2021-2022, to increase the number of court reporters in family law and civil cases. Starting in fiscal year 2022-2023, the use of the funding was expanded to include recruitment and retention. Responsive judicial administrative records also include the MOUs relevant to the union representing the court reporters, produced with the hard copy of this letter. Recruitment has been ongoing. The Court anticipates a further production responsive to this request consisting certain recruiting materials responsive to subsection (c).

15. Records relating to the cost of audio recording of court hearings under Government Code section 69957, including any records reflecting discussion and/or decisions about when to provide such recording services;

The Court interprets the request's reference to "cost" to mean cost to the Court itself as opposed to the cost to the public for. e.g., ordering copies. Costs to the public are assessed by providers and the links to those websites may be found here: https://www.cc-courts.org/general/electronicrecordings.aspx. The Court does not, and is not required to, track costs of audio recording of court hearings. With that understanding, the Court has responsive judicial administrative records consisting of the contracts with relevant service providers which will be provided in an updated production. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf.

16. Records relating to or discussing the decision to provide court reporters in Family Law departments as memorialized in the January 1, 2020 Contra Costa County Local Rule 2.52(b) including, but not limited to: (a) dates of any meetings held to discuss this decision; (b) notes or memorialization of what took place at these meetings; (c) policies, decisions, or orders that resulted from these meetings; and (d) any proposed policies that were rejected and the reasoning they were rejected;

The Court has responsive judicial administrative records consisting of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11),

- (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf.
 - 17. Records relating to or discussing the decision to no longer provide court reporters in the Family Law departments as memorialized in Standing Order 7.15 RE: COURT REPORTERS IN FAMILY LAW CASES, filed on 08/11/2021;

At this time, the Court has no responsive judicial administrative records except as otherwise memorialized in its Local Rules and the Standing Order itself. The Court continues to review minutes of particular Court committees to ascertain whether any such records exist that are not otherwise exempt and will update production with any responsive judicial administrative records. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf.

18. Records relating to any communications with the court reporter union or their representatives regarding their reporting in the civil departments, including, but not limited to, any records related to any court reporter strike or threatened strike during the relevant period; and

These documents are exempt from production in a Rule 10.500 request. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) No strike occurred, nor is the Court aware of one ever being threatened in the relevant period. The Court otherwise has no responsive judicial administrative records.

19. Records relating to the Court's compliance with California Rule of Court 2.956, including, but not limited to: (a) compliance with policy adoption and posting requirement in 2.956(b)(1) and copies of any such policies; (b) compliance with the publication of policy requirement in 2.956(b)(2) including a copy of such publication, notice to litigants, or local rule; (c) compliance with notice of nonavailability of court reporter for nontrial matters in 2.956(b)(4) including a copy of the court's official calendar reflecting the notice; and (d) compliance with the requirement that the court provide a reporter if the party has been granted a fee waiver in 2.956(c)(2).

The Court has responsive judicial administrative records. Court policies regarding reporters are included in Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-

<u>courts.org/general/local-rules.aspx</u></u>. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx. Notices are posted in clerk's offices in compliance with the rule. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf.

20. Records relating to the Court's compliance with the requirement in Local Rule 2.53 that the Court provide a court reporter in all unlimited civil cases where a timely request by a litigant with a fee waiver has been made, including efforts made by the Court to comply and any records relating to noncompliance;

The Court has responsive judicial administrative records. Court policies regarding reporters are included in Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cccourts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/courtreporting-services.aspx. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) Certain documents which may have been responsible are no longer available pursuant to the Court's document retention policy: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. The Court does not have separate administrative tracking of provision of reporters in unlimited civil cases with fee waiver litigants. While this may be reflected in individual case files, to the extent this request in fact seeks records in individual cases, these are not judicial administrative records subject to production in response to a Rule 10.500 request. (See Cal. Rules of Ct., rule 10.500(b)(1), (c)(1), (c)(2).

21. Records relating to the following **in civil cases only**: (a) the number of requests for a court reporter received by the Court during the relevant time period; (b) the total number of hearings where a court reporter was requested but not provided (including at hearings previously continued due to the unavailability of a court reporter); (c) the total number of continuances that have resulted from the inability of the court to provide a court reporter where one was requested by a party and the average length of such continuances; (d) the total amount of time cases have been continued due to no court reporter being provided where requested; (e) the number of hearings held without a court reporter where a court reporter was requested; (f) the total number of cases involving at least one fee

waiver eligible litigant; (g) the total number of hearings involving at least one fee waiver eligible litigant; (h) the total number of hearings held without a court reporter where at least one party was fee waiver eligible; and (i) the total number of hearings held without a court reporter.

The Court has judicial administrative records responsive to portions of this request. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) While, in general, the Court does not administratively track this data, certain data is obtainable from a search of its case management database. Conversion to this database occurred in March of 2022, and prior records would be unavailable as the earlier system did not capture relevant data. Specifically, the Court can provide the following in response to (f), which is the total number of fee waivers granted in civil cases per year (with the 2022 data commencing in March of that year):

| Year | Fee Waivers Granted |
|------|---------------------------|
| 2022 | 1,954 |
| 2023 | 2,625 |
| 2024 | 1,393 |

The Court's system cannot produce data responsive to (a) – (e), (g), or (h) as its case management system does not capture this data nor is it otherwise administratively tracked. Certain data may be obtainable from files of individual cases, but these are not judicial administrative records subject to production in response to a Rule 10.500 request. (See Cal. Rules of Ct., rule 10.500(b)(1), (c)(1), (c)(2).)

22. Records related to any working group(s) established to discuss court reporters in the civil departments, including, but not limited to: (a) records that reflect the purpose of the working group(s); (b) records reflecting the members of the working group(s) and their attendance at working group(s) meetings; (c) notes and/or agendas from working group(s) meetings; and (d) any policies, decisions, or actions that resulted from the working group(s); and

The Court has no judicial administrative records responsive to this request.

23. Records reflecting internal communications discussing the policies regarding the provision of court reporters in the Family Law departments under Contra Costa County Local Rule of Court, Rules 2.52 and 2.53.

The Court has responsive judicial administrative records. Certain documents are exempt from production. (See Cal. Rules of Ct., rule 10.500(f)(1), (3), (5), (9), (11), (12).) In addition, certain such correspondence would be subject to the Court's record retention policy and no longer available: https://cc-courts.org/general/docs/PO80-EMailAndDocumentRetentionPolicy.pdf. Court policies regarding reporters are included in Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx. Further, the Court has responsive judicial administrative records consisting of the sample correspondence involving Ms. Chambers, manager of the court reporters, and other Court staff provided in response to Request No. 2. That response – including objections and exemptions – is incorporated here.

The Court has produced most responsive judicial administrative records via an external drive accompanying the hard copy of this response. (Once again, due to the size of the production, this cannot be transmitted via email, even in a compressed file.) Any additional documents will be produced on or before **September 20, 2024.**

Thank you for your interest in the work of the Court.

Sincerely,

Matt J. Malone

Chief Counsel and Public Information Officer

Encls. (certified mail copy only)

EXHIBIT B

TO THE DECLARATION OF JESSICA WCISLO

[COURT PROPOSAL] SIDE LETTER AGREEMENT BETWEEN CONTRA COSTA COUNTY SUPERIOR COURT ("Court") AND SEIU LOCAL 1021 ("SEIU 1021") December 7, 2023

The parties enter into this side letter agreement, which reflects the mutual agreement of the parties concerning the allocation of \$650,187 to the Court pursuant to Senate Bill 662 ("SB 662") for the 2023-2024 fiscal year.

The primary purpose of this side letter is to increase the number of official Court Reporters in family and civil law cases. Pursuant to SB 662, the funding may be used for "recruitment and retention purposes, filling existing vacancies, converting part-time positions to full-time positions, increasing salary schedules, and providing signing and retention bonuses to enable trial Courts to compete with private employers in the labor market."

The parties hereby agree as follows:

One Time Bonus:

Each permanent Court Reporter employed in paid status at the time this Agreement is signed shall receive a one-time lump sum payment equal to 5% of the Court Reporter's base salary (no differentials) from July 1, 2023 through December 31, 2023.

Flex Time Bank:

January 1, 2024 through June 30, 2024, \$116,720.00 of the SB 662 funds shall be allocated to create a Flex-Time Bank for the 2023-2024 year which will be available to all Full-time Court Reporters employed at the time this Side Letter is signed, in accordance with these parameters.

- 1. Each Full-Time Court Reporter shall have access to a bank of twenty (20) flex-time hours per month.
- Flex-time hours may only be used by permanent full-time employees. Employees who are probationary at the time this agreement is signed will be eligible to use the Flex-time when they become permanent.
- Flex-time hours may ONLY be used at the end of the workday: a) if the department is dark, and b) if the Court Reporter is not operationally needed for any other assignment.
- 4. In order to access Flex-time hours, the Court Reporter must contact the Court Reporter Manager or designee and notify them that the department is dark, and request permission to leave work and use Flex-time hours.
- 5. Flex-time is NOT a traditional accrual bank and cannot be used in place of vacation, personal holiday or sick leave. Flex-time may ONLY be used at the end of the workday when the conditions of #2 4 above are met. A maximum of two hours may be taken at a time.
- Flex-time that is unused at the end of the 2023-2024 fiscal year will be paid out to the Court Reporter in a one-time lump sum at the base salary rate (no differential rates), and will be taxed at the supplemental rate, provided the Court Reporter is employed with the Court on June 30, 2024.

- 7. Court Reporters who separate before June 30, 2024 will not be entitled to a lump-sum payment and will forfeit the Flex-time hours.
- The one-time payment is pensionable for all Court Reporters employed by the Court
 who are considered Legacy Tiered employees. The one-time payment is not pensionable
 for Court Reporters subject to the California Public Employees' Pension Reform Act of
 2013 (PEPRA).

Finder's Fee:

- Each Court employee who successfully refers (or referred) a Court Reporter to the Court for full-time employment commencing during the 2023-2024 fiscal year will be eligible for a finder's fee. In addition to the two full-time hires since July 1, 2023, the Court will pay up to two additional finder's fees as follows:
 - \$10,000 upon employment of a Court Reporter recruited from another trial Court in California not previously employed by Contra Costa Superior Court; and
 - b. \$20,000 upon employment of a Court Reporter recruited from the private sector.
- Each Court employee who successfully refers a Court Reporter to the Court for parttime employment commencing during the 2023-2024 fiscal year will be eligible for a finder's fee. The Court will pay up to four finder's fees, as follows:
 - a. \$5,000 upon employment of a Court Reporter recruited from another trial Court in California not previously employed by Contra Costa Superior Court; and
 - b. \$10,000 upon employment of a Court Reporter recruited from the private sector.
 - 3. The finder's fee does not limit the Court's discretion in making hiring decisions.

Hiring Bonus

- 1. For each **full-time** Court Reporter hired after July 1, 2023, the Court shall provide a hiring bonus as follows:
 - a. \$15,000 upon hiring; and
 - b. \$15,000 upon successful completion of probation.
- 2. For each **part-time** Court Reporter hired after July 1, 2023, the Court shall provide a hiring bonus as follows:
 - a. \$7,500 upon hiring; and
 - b. \$7,500 upon successful completion of probation.
- The hiring bonus is not applicable to Court Reporters who were previously employed by the Court and subsequently rehired by the Court.

Tuition Reimbursement for Court Reporting or Voice Reporting:

\$50,000 of the SB 662 funds shall be allocated for tuition reimbursement for any interested Court employee to pursue Court Reporter Certification or for existing Court Reporters to

learn attend Voice Writing School. The Court will inform all Court staff of the deadlines for application and requirements for receipt of the tuition reimbursement.

Advertisement:

Jeanine Maltbie

Bargaining Team Member

\$90,000 of the SB 662 funds shall be allocated for advertisement of vacant full-time and part-time positions.

Coverage:

The remainder of the SB 662 funds shall be allocated for Per Diem expenses.

This side letter agreement is not applicable to any funding other than funding allocated pursuant to SB 662 for the 2023-2024 fiscal year, and therefore sunsets on June 30, 2024. If similar, additional funding is allocated to the Court the next fiscal year, the parties agree to meet and confer over the allocation of such funding.

| Dated: 12/7/23 | Dated: 12/7/23 |
|---|--|
| FOR SEIU 1021 | FOR THE COURT |
| Josiah Branaman Union Representative | Sarah Levitan Kaatz Chief Negotiator |
| Jennifer Burnett Bargaining Team Member | Melissa Carofanello Bargaining Team Member |
| Sanay Walden | Debbie Carbone |
| Bargaining Team Member | Bargaining Team Member |
| | |

EXHIBIT C

TO THE DECLARATION OF JESSICA WCISLO

SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA

L E D

DATE: AUGUST 11, 2021 JUDGE: REBECCA HARDIE DEPARTMENT 1

COURT CLERK: AIDA CHEONG

UNREPORTED

STANDING ORDER 7.15 RE: COURT REPORTERS IN FAMILY LAW CASES

The Court has provided reporters in Family Law cases generally since July 1, 2019, and amended its Local Rule 2.52 and 2.53 accordingly. These reporters are not officially assigned to specific departments but are assigned based on need. Due to the COVID-19 pandemic and the urgent need for the Court to have the ability to reassign reporters to meet statutory and constitutional mandates in other types of cases, **IT IS ORDERED** as follows:

- 1. The Court may move reporters from Family Law to perform reporting services in other court departments, except for those Family Law cases where a reporter is required by statute or case law.
- 2. Parties in Family Law proceedings in which court reporters will not be provided may provide their own as set forth in Local Rule 2.52. For litigants with a fee waiver, a request for a court reporter shall be filed on Local Form MC-30 at least three calendar days before the hearing.

IT IS SO ORDERED.

Dated: August 11, 2021

HON. REBECCA HARDIE
Presiding Judge of the Superior Court
Contra Costa County

EXHIBIT D

TO THE DECLARATION OF JESSICA WCISLO

SUPERIOR COURT OF CALIFORNIA COUNTY OF CONTRA COSTA

NOTICE OF AVAILABILITY OF COURT REPORTING SERVICES [California Rules of Court 2.956(b)]

| | | | | Reporting Services | | | |
|---|--|--|---|---|--|--|--|
| Dept | Room | Judge Presiding | Calendar Assignment | Normally Available | | | |
| | (Wakefield Taylor Courthouse) 725 Court Street, Martinez | | | | | | |
| Dept. 1 | 209 | Judge Edward Weil | Presiding Judge | TBD | | | |
| Dept. 9 Dept. 12 | 305 301 | Judge John P. Devine Judge Steve Treat | Civil Calendar Civil Complex Litigation | Limited Services Available* Limited Services Available* | | | |
| Dept. 12 | 200 | Judge Frank Riebli | Criminal Calendar | Electronic Recording - Audio** | | | |
| Dept. 14 | 212 | Judge Kirk Athanasiou | Family Law Calendar/Criminal Calendar | | | | |
| Dept. 17 | 222 | Judge Wendy McGuire Coats | Family Law Calendar/DV | Limited Services Available* | | | |
| Dept. 18 | 300 | Judge Danielle K. Douglas | Civil Ćalendar | Limited Services Available* | | | |
| Dept. 20 | 312 | Judge Melissa O'Connell | Civil/LPS Calendar | Limited Services Available* | | | |
| Dept. 27 | 320 | Judge Terri A. Mockler | Civil Calendar | Limited Services Available* | | | |
| Dept. 30 | 201 | Judge Virginia George | Probate Calendar | Limited Services Available* | | | |
| D | 0.15 | | | Limited Services Available*/ | | | |
| Dept. 33 | 215 | Judge Shara Beltramo | Probate Calendar/Juvenile Calendar | Office Court Reporter | | | |
| Dept. 36 Dept. 57 | 200 102 | Judge Michael Nieto (eff. 7/27/24) Commissioner J. Yamamoto | Criminal Calendar UD/CH/SC/TRO/Ex-parte Discovery | Electronic Recording - Audio** Electronic Recording - Audio** | | | |
| Dept. 57 | 102 | Temp. Judge to be Assigned | Small Claims Night Court- 3rd Wed | Electronic Recording - Audio*** | | | |
| | | Ward Street, Martinez | Citiali Cialitis Might Court Sia Wea | Electronic necording Addio | | | |
| Dept. 4 | 3025 | Judge Mary Ann O'Malley | General Trial Calendar | Official Court Reporter | | | |
| Dept. 5 | 3012 | Judge Rebécca C. Hardie | General Trial Calendar | Official Court Reporter | | | |
| Dept. 6 | 2025 | Judge David E. Goldstein | Criminal Master Calendar/General Trial | Official Court Reporter | | | |
| Dept. 8 | 2012 | Judge John W. Kennedy | General Trial Calendar | Official Court Reporter | | | |
| Dept. 10 | 1001 | Judge Julia Campins | Mental Health/Hospital Cases | Official Court Reporter | | | |
| Dept. 23 | 3003 | Judge Charles Burch | General Trial Calendar | Official Court Reporter | | | |
| Dept. 31 | 2016 | Judge Jesse Hsieh | Criminal Calendar | Electronic Recording - Audio** | | | |
| Dept. 40 | 2003 | Judge Christopher R. Bowen Vacant | Criminal Calendar | Official Court Reporter | | | |
| Dept. TBA | 3016 | | | | | | |
| Dept. TBA | ex) 1010 (2 | Ward Street, Martinez Vacant | | | | | |
| Dept. 16A | 23 | Judge Patricia Scanlon | Criminal Calendar | Official Court Reporter | | | |
| Dept. 32 | 25 | Judge Joni T. Hiramoto | Criminal Calendar | Electronic Recording - Audio** | | | |
| (Family Law Center) 751 Pine Street, Martinez | | | | | | | |
| Dept. 16 | 229 | Judge Benjamin T. Reyes II | Family Law Calendar/DV | Limited Services Available* | | | |
| Dept. 26 | 233 | Judge Ayana Young | Family Law Calendar/DV | Limited Services Available* | | | |
| Dept. 34 | 225 | Judge Leonard E. Marquez | Family Law Calendar/DV | Limited Services Available* | | | |
| Dept. 35 | 223 | Judge Palvir Shoker | Family Law Calendar/DV | Limited Services Available* | | | |
| Dept. 52 | 206 | Comm. Alexandria D. Quam | DCSS Child Support | Electronic Recording - Audio** | | | |
| Dept. TBD | ali, 202 Gi 104 | acier Drive, Martinez | Juvenile Calendar | Official Court Reporter | | | |
| | | th Street, Richmond | Cavernie Calerida | Cinicial Court Hoporton | | | |
| Arraignments | 135 | Judge as Assigned | Criminal Calendar | Electronic Recording - Audio** | | | |
| | | | DV and Civil Harass Hearings | Limited Services Available* | | | |
| Dept. 2 | 300 | Judge Gina Dashman | Criminal Calendar | Electronic Recording - Audio** | | | |
| Dept. 7 | 209 | Judge Peter Chang | Criminal Calendar | Electronic Recording - Audio** | | | |
| Dept. 21 | 205 | Judge Stephanie Clarke | Criminal Calendar | Electronic Recording - Audio** | | | |
| Dept. 25 | 213 | Judge Jennifer Lee | Criminal Calendar-Felony | Official Court Reporter | | | |
| Dept. 50 | 110 | Comm. Andrew Verriere | Traffic Calendar - PM Only | Electronic Recording - Audio** | | | |
| | | | Unlawful Detainers/Small Claims | Electronic Recording - Audio** | | | |
| Dept. TBD | 211 | Vacant | | | | | |
| PITTSBURG | | Center Drive, Pittsburg | | | | | |
| Dept. TBA | G | ludgo Prigo Hoyaga | Criminal Colorday | Electronic Describes Audin** | | | |
| Dept. 11 Dept. 22 | D A | Judge Brian Haynes Judge John C. Cope | Criminal Calendar Criminal Calendar | Electronic Recording - Audio** Official Court Reporter | | | |
| Dept. 24 | A B | Judge Nichelle N. Holmes | Criminal Calendar Criminal Calendar | Electronic Recording - Audio** | | | |
| Dept. 29 | С | Judge Glenn Kim | Criminal Calendar | Official Court Reporter/Electronic Recording** | | | |
| Dept. 54 | E | Comm. Jill Lifter | Traffic/SC/UD/CH/DUI ARR Calendar | Electronic Recording - Audio** | | | |
| | | 40 Ygnacio Valley Road, Walnut C | | | | | |
| Dept. 19 | 202 | Judge Colleen Gleason | Juvenile Calendar | Official Court Reporter | | | |
| Dept. 37 | 206 | Judge Wade Maxwell Rhyne | Juvenile Calendar | Official Court Reporter | | | |
| Dept. 38 | 205 | Judge Barbara C. Hinton | Juvenile Calendar | Official Court Reporter | | | |
| Dept. 50 | 106 | Comm. Andrew Verriere | Traffic Cal - AM Only | Electronic Recording - Audio** | | | |
| | | | Traffic Night Court-1st & 3rd Wed | | | | |
| Dept. TBD | 206 | Vacant | Traffic Night Court-3rd Wed | Electronic Recording - Audio** | | | |

VACANT DEPARTMENTS: D15

Rev. 7/18/24

^{*}Official court reporters are only available for those parties with fee waivers in Unlimited Civil, Probate & Family Law matters where a reporter is Parties may procure the services of a certified offical court reporter pro tempore per CRC 2.956(c).

^{**}See Local Rule 2.50

EXHIBIT E

| | 1 |
|----|--------------------------------------|
| 1 | SUPERIOR COURT OF CALIFORNIA |
| 2 | COUNTY OF CONTRA COSTA |
| 3 | BEFORE HONORABLE AYANA YOUNG |
| 4 | DEPARTMENT 26 |
| 5 | 000 |
| 6 | |
| 7 | Petitioner, |
| | vs. No. |
| 8 | |
| | |
| 9 | |
| | Respondent. |
| 10 | / |
| 11 | |
| 12 | |
| 13 | |
| | REPORTER'S TRANSCRIPT OF PROCEEDINGS |
| 14 | |
| | (EX PARTE HEARING) |
| 15 | |
| | Thursday, June 27, 2024 |
| 16 | |
| 17 | |
| 18 | |
| 19 | |
| 20 | |
| 21 | |
| 22 | |
| 23 | Reported By: |
| 24 | ERIN F. ROBINSON, RPR, CRR |
| 25 | CSR No. 12199 |

APPEARANCES OF COUNSEL: For the Petitioner: JESSICA DEAN Bay Area Legal Aid 1025 MacDonald Avenue Richmond, California 94801 (510) 903-2641 jdean@baylegal.org Also Present: In Pro Per 2.2

1 record about the court reporter this morning.

THE COURT: Sure.

MS. DEAN: I'd like to have it on record that petitioner filed the request for a court reporter by a party with a fee waiver on June 5th, 2024.

Petitioner has a fee waiver on file, and no court reporter was provided. Therefore, we were forced to hire a private court reporter for today's hearing. Thank you.

THE COURT: All right. Let me put something on for the record as well. Do you have a stipulation for us?

MS. DEAN: I have a finding and order after hearing partially prepared. I can make additions to it for your orders and hand it to you today.

THE COURT: I mean the stipulation order to use the certified shorthand reporter. Bailiff, can I have you hand this over to counsel so they can fill this out. All right.

So let me just say for the record that in terms of resources for a court reporter, the court is extremely low staffed.

And so while we recognize that there are people with fee waivers requesting reporters, the reporters that we do have have to go to the criminal section

1 before they can come to family law. 2 So the reporters that we have are all in 3 criminal hearings or preliminary hearings or trials, which is why we do not have one here today. So however 4 5 that has to be rectified, I'm not sure, but just so the record is clear on both sides, okay? 6 7 All right. That concludes the hearing. I need you to fill out that stipulation and have both parties 8 9 sign, okay? , let me just let you know what 10 you're going to have to sign. This is a stipulation to use a court reporter, 11 okay? I always encourage the parties to sign a 12 13 stipulation for a court reporter because it helps you 14 to have a transcript of what happened today, okay? 15 Okay? 16 All right, thank you. Just make sure you give 17 that to the -- to . All right. I'm going 18 to call the next matter. Can I have you all take that 19 to the audience, please, thank you. 20 (Whereupon, proceedings were adjourned at 21 9:04 a.m.) 2.2 23 24

25

REPORTER'S CERTIFICATE

I, ERIN F. ROBINSON, a Shorthand Reporter, State of California, do hereby certify:

That said proceedings were taken before me at said time and place, and were taken down in shorthand by me, a Certified Shorthand Reporter of the State of California, and were thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said proceedings that took place;

IN WITNESS WHEREOF, I have hereunder subscribed my hand this 2nd day of July 2024.

Erin J. Robinson

ERIN F. ROBINSON, CSR NO. 12199

State of California

EXHIBIT F

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

MINUTE ORDER

RAVJEET SEKHON VS ROOBAL SEKHON

MSD21-01471

HEARING DATE: 06/12/2024

PROCEEDINGS: *REQUEST FOR ORDER: MODIFICATION MODIFY C/V; OTHER ORDERS

DEPARTMENT 26

CLERK: NACHE HARRIS

JUDICIAL OFFICER: AYANA YOUNG

COURT REPORTER: NOT REPORTED

BAILIFF:

INTERPRETER:

JOURNAL ENTRIES:

THE COURT INFORMS PARTIES AND COUNSEL THAT THIS DEPARTMENT (DEPARTMENT 26) WILL NOT HAVE A COURT REPORTER PROVIDED AND THIS MATTER PROCEEDS WITHOUT ONE.

PETITIONER, APPEARS WITH ATTORNEY GERALD CHANG, IN PERSON RESPONDENT, APPEARS WITH ATTORNEY MEREDITH HAYS, IN PERSON

AT 9:13AM, THIS MATTER IS CALLED

BOTH PARTIES ARE SWORN AND EXAMINED

THE COURT HEARS ARGUMENTS.

AFTER CONSIDERING ALL TESTIMONY PROVIDED, THE COURT ORDERS THE FOLLOWING:

THE SCHOOL CALENDAR SHALL DESIGNATE THE START DATE AND END DATE OF SCHOOL BREAK EXCHANGES AND PARTIES SHALL MEET AND CONFER ON TIMES.

PARTIES SHALL PROVIDE FLIGHT INFORMATION /TRAVEL ITINERARY.

VACATION: EACH PARENT SHALL BE ALLOWED (2) WEEKS PER YEAR WITH NO MORE THAN 7 CONSECUTIVE DAYS UNLESS INTERNATIONAL TRAVEL IS EXPECTED. NOTICE OF INTENDED VACATION TIME SHALL BE PROVIDED TO THE OTHER PARENT 30 DAYS IN ADVANCE. SHALL BE AT LEAST 2 WEEKS APART.1

4 DAYS MAX FOR INTERNATIONAL TRAVEL AND NO INTERNATIONAL TRAVEL TO LOCATIONS WITH A LEVEL 4 SAFTEY ADVISORY FROM THE STATE DEPARTMENT OF TRAVEL.

PRIORITY VACATION TO FATHER DURING ODD YEARS AND PRIORITY VACATION TO MOTHER DURING EVEN YEARS

ATTORNEY MEREDITH SHALL SUBMIT THE CALENDAR FOR REVIEW.

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

| THE COURT SETS A REVIEW HEARING ON 8/26/2024 AT 10:00AM IN DEPARTMENT 26. | | |
|---|-------------------------|--|
| ATTORNEY CHANG SHALL PREPARE THE FL-340 FINDINGS AND ORDER AFTER HEARING | | |
| | | |
| FUTURE HEARING(S): AUGUST 26, 2024 10:00 AM HEARING IN RE: MODIFY C/ | V; OTHER ORDERS | |
| DEPARTMENT 26 | | |
| YOUNG, AYANA | | |
| | | |
| | | |
| DATED: 6/12/2024 | BY: | |
| | N. HARRIS, DEPUTY CLERK | |

EXHIBIT G

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

MINUTE ORDER

CHRISTINA OLLIE VS FRANK JONES

D23-04721

HEARING DATE: 06/25/2024

PROCEEDINGS: F/L FURTHER HEARING/REVIEW AFTER TIER I MEDIATION

DEPARTMENT 26

CLERK: NACHE HARRIS

JUDICIAL OFFICER: AYANA YOUNG

COURT REPORTER: NOT REPORTED

BAILIFF:

INTERPRETER: NONE

JOURNAL ENTRIES:

THE COURT INFORMS PARTIES AND COUNSEL THAT THIS DEPARTMENT (DEPARTMENT 26) WILL NOT HAVE A COURT REPORTER PROVIDED AND THIS MATTER PROCEEDS WITHOUT ONE.

PETITIONER, APPEARS AS A SELF REPRESENTED LITIGANT, IN PERSON RESPONDENT, APPEARS AS A SELF REPRESENTED LITIGANT, VIA ZOOM

AT 11:23AM, THIS REVIEW HEARING IS CALLED

BOTH PARTIES ARE SWORN AND EXAMINED

THE COURT FINDS, RESPONDENT/ FATHER MISSED TIER I MEDIATION.

THE COURT HEARS ARGUMENTS.

AFTER CONSIDERING ALL TESTIMONY PROVIDED, THE COURT ORDERS THE FOLLOWING:

RESPONDENT/ FATHER SHALL HAVE VISITS ON SATURDAY FROM 10:00AM UNTIL 8:00PM AND SUNDAY FROM 10:00AM UNTIL 8:00PM, NO OVERNIGHTS.

PETITIONER/ MOTHER SHALL DROP OFF AND PICK UP FROM RESPONDENT/ FATHERS HOME, CURBSIDE.

PARTIES SHALL PARTICIPATE IN TIER I MEDIATION ON 8/26/2024 AT 8:30AM REGARDING CUSTODY, PARENTING TIME, REMAINING ISSUES. PARTIES SHALL COMPLETE ORIENTATION AT LEAST FIVE DAYS PRIOR TO MEDIATION DATE

THE COURT SETS A REVIEW HEARING ON 10/08/2024 AT 8:30AM IN DEPARTMENT 26.

THE RESPONDENT PROVIDES A CURRENT MAILING ADDRESS FOR THE ORDER TO APPEAR AT MEDIATION, BUT WILL NEED TO FILE MC-040 TO UPDATE ADDRESS WITH THE COURT.

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

| THE COURT SHALL PREPARE THE FL-340 FINDINGS AND ORDER AFTER HEARING AND PLACE A C IN THE PICK-UP BINS LOCATED IN THE 751 PINE STREET COURTHOUSE. | OPY |
|--|-----|
| FUTURE HEARING(S): | |
| OCTOBER 08, 2024 8:30 AM FURTHER HEARING/REVIEW IN RE: C/C, C/V RETURN AFTER MEDIATIC | N |
| | |
| DEPARTMENT 26 | |
| YOUNG, AYANA | |
| | |
| | |
| | |
| | |
| DATED: 6/25/2024 BY: | |
| N. HARRIS. DEPUTY CLERK | |

EXHIBIT H

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

MINUTE ORDER

KRISTINA DEES VS SCOTT DEES

MSD21-00939

HEARING DATE: 03/01/2024

PROCEEDINGS: HEARING ON REQUEST FOR DOMESTIC VIOLENCE RESTRAINING ORDER

DEPARTMENT 26

CLERK: NACHE HARRIS

JUDICIAL OFFICER: AYANA YOUNG

COURT REPORTER:

BAILIFF:

INTERPRETER:

JOURNAL ENTRIES:

THE COURT INFORMS PARTIES AND COUNSEL THAT THIS DEPARTMENT (DEPARTMENT 26) WILL NOT HAVE A COURT REPORTER PROVIDED AND THIS MATTER PROCEEDS WITHOUT ONE.

PETITIONER, APPEARS AS A SELF REPRESENTED LITIGANT, IN PERSON RESPONDENT, APPEARS AS A SELF REPRESENTED LITIGANT, IN PERSON

AT 8:35AM, THIS MATTER IS CALLED BOTH PARTIES ARE SWORN AND EXAMINED

THE COURT REMOVES THE SUPPORT ISSUES FROM UNDER SUBMISSION AND SETS A REVIEW HEARING ON 6/04/2024 AT 8:30AM IN DEPARTMENT 26.

AFTER HEARING ALL TESTIMONY & EVIDENCE PRESENTED, THE COURT GRANTS THE RENEWAL REQUEST WITH MODIFICATIONS TO THE ORDER THE COURT SHALL PREPARE A DV-130 ORDER FOR DOMESTIC VIOLENCE RESTRAINING AND IT IS NOW RENEWED AND EXTENDED AND IN EFFECT UNTIL 3/01/2029.

THE COURT FINDS, FC 3044 PRESUMPTION WAS REBUTTED BY THE EVIDENCE RECEIVED, THUS JOINT LEGAL CUSTODY IS ORDERED.

SUPERVISED VISITATION ORDER IS TERMINATED FOR RESTRAINED PARTY/ RESPONDENT.

HEALTH INSURANCE: PROTECTED PARTY/PETITIONER SHALL SHOW PROOF OF INSURANCE COSTS TO REFLECT DIFFERENCE IN COSTS WHEN RESTRAINED PARTY/ RESPONDENT IS REMOVED, BUT SHALL NOT REMOVE RETRAINED PARTY/ RESPONDENT AT THIS TIME. CREDITS SHALL BE RETRO ACTIVE AND ISSUE IS RESERVED.

SCOTT DEES is ordered to stay at least 100 yards away from name and her/his residence, job/workplace, vehicle, school, and the children s school/day care.

Exception to Stay Away Order: To briefly and peacefully exchange children for court ordered visits.

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

THE RESTRAINED PARTY MAY ATTEND THE CHILDREN'S SCHOOL FUCNTIONS AND EXTRACURRICULAR ACTIVITIES, IN THE EVENT BOTH PARTIES ARE PRESENT RESTRAINED PARTY MUST STAY 5 YARDS AWAY FROM PROTECTED PARTY.

VISITATION: RESTRAINED PARTY/ RESPONDENT SHALL HAVE EVERY FIRST (1ST) THIRD (3) AND FIFTH (5TH) WEEKEND OF EACH MONTH. FROM 8:00AM ON FRIDAY TO 8:00AM ON MONDAY.

EXCHANGES: PICK UP AND DROP OFF SHALL OCCUR AT THE MINOR(S) SCHOOL UNLESS NO SCHOOL, IF NO SCHOOL THE RECEIVING PARENT SHALL DROP THE MINOR(s) OFF AT THE OTHER PARENTS HOME FOR CURBSIDE EXCHANGE.

EXCEPT WHEN NAVIGATING AN EMERGENCY, THE PARENTS SHALL ENROLL IN AND COMMUNICATE DIRECTLY WITH EACH OTHER ON MATTERS CONCERNING THE HEALTH, CARE, WELFARE, EDUCATION, AND PARENTING TIME FOR THE CHILD(REN) VIA PARENTING APPLICATION SUCH AS OUR FAMILY WIZARD AND MAY NOT USE THE CHILD(REN) AS MESSENGER(S) BETWEEN THEM. THE COURT WILL ONLY ACCEPT TRANSCRIPTS FROM (OFW) AS EVIDENCE OF COMMUNICATIONS BETWEEN THE PARENTS. EACH PARENT IS ORDERED TO REPLY TO COMMUNICATIONS WITHIN 48 HOURS OF RECEIPT.

PROTECTED PARTY/ PETITIONER SHALL INITIATE PHONE CALLS WITH RESTRAINED PARTY/ RESPONDENT ON TUESDAYS AND THURSDAYS FOR UP TO 30 MINUTES. ANY ADDITIONAL CALLS INITIATED BY MINOR(S) SHALL BE ALLOWED AS AGREED.

RESTRAINED PARTY/ RESPONDENT PROVIDES A HOME ADDRESS TO THE COURT FOR EXCHANGES.

AT 9:12AM, BOTH PARTIES ARE VOIR DIRED BY THE COURT.

PETITIONER REQUESTS FORMER NAME BE RESTORED TO KRISTINA LYNN CROWELY

MARITAL STATUS ENDS ON 3/01/2024.

ADJOURNED

FUTURE HEARING(S):

CANCELED: JUNE 04, 2024 8:30 AM FURTHER HEARING/REVIEW IN RE:

REASON: CANCELED AS THE RESULT OF A HEARING CANCEL, HEARING CANCELED REASON: VACATED

DEPARTMENT 26

YOUNG, AYANA

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

| DATED: 3/5/2024 | BY: | |
|-----------------|-------------------------|--|
| | N. HARRIS, DEPUTY CLERK | |

EXHIBIT I

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address | ∃9SS): THIS BOX FOR | R COURT USE ONLY |
|--|---------------------|------------------|
| | | |
| TELEPHONE NO: FAX NO. (0 E-MAIL ADDRESS (Optional): |)ptional): | |
| ATTORNEY FOR (Name): | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY O | F CONTRA COSTA | |
| MARTINEZ 725 Court Street Martinez, CA 94553 MARTINEZ PITTSBURG 1000 Center Dri Martinez, CA 94553 Pittsburg, CA 94 | | |
| PLAINTIFF / PETITIONER: | TRIAL / HEARING DA | TE: DEPT. |
| DEFENDANT / RESPONDANT: | | |
| REQUEST FOR COURT REPORTIN BY A PARTY WITH FEE WA | | • |
| I, | • | |
| Date: | Signature: | |

This form must be filed at least 3 calendar days before the date set for the trial or hearing. Requests not filed at least 3 calendar days before the date set for the trial or hearing may not be honored. The clerk will notify the party as soon as possible if no official court reporter will be available. Final notice of the availability of a court reporter may not be known until the day of the trial or hearing.

EXHIBIT J

Elissa Chambers

From:

Elissa Chambers

Sent:

Monday, April 8, 2024 7:12 AM

To:

Hon. (Charles) Steve Treat; Department 12

Cc:

Hon, Ed Weil; Kate Bieker

Subject:

Good morning,

n the above-mentioned case requested a court reporter to cover his hearing this morning in your department. He does have a fee waiver on file, and he filed the MC-30 on 3/26. However, I do not have enough reporters today to cover all our mandated departments, so I will be unable to send one to D12 for this hearing.

Thank you, Elissa

EXHIBIT K

| DV-116 Order on Request to Continue Hearing | Clerk stamps date here when form is filed. |
|---|---|
| Complete items (1) and (2) only. | |
| 1) Protected Party: | |
| 2) Restrained Party: | MAR 2023 |
| 2) Restrained Farty. | - L. Ω |
| The court will complete the rest of this form | 5 |
| 3) Next Court Date | Fill in court name and street address: Superior Court of California, County of |
| a. The request to reschedule the court date is denied. | Contra Costa |
| Your court date is: | 751 Pine Street Martinez, CA 94553 |
| (1) Any Temporary Restraining Order (form DV-110) already granted stays in full force and effect until the next court date. | |
| (2) Your court date is not rescheduled because: | Fill in case number: |
| (-) 13.11 03.11 13. | Case Number: |
| | |
| New Court Date: 4/ /2023 Time: 8:30 Room: | address of court, if different from above: |
| New → Date: 4/ /2023 Time: 8:30 Court Dept.:26 Room: | ntil the next court date because: |
| New Court Date: 4 2023 Time: 8:30 Dept.: 26 Room: | ntil the next court date because: |
| New Court Date: 4/2023 Time: 8:30 Dept.:26 Room: Temporary Restraining Order a. There is no Temporary Restraining Order (TRO) in this case us (1) A TRO was not previously granted by the court. (2) The court terminates (cancels) the previously granted TRO became b. A Temporary Restraining Order (TRO) is in full force and effective terminates. | ntil the next court date because: ause: Ct because: Warning and Notice to |
| New Court Date: 4/2023 Time: 8:30 Dept.:26 Room: Temporary Restraining Order a. There is no Temporary Restraining Order (TRO) in this case us (1) A TRO was not previously granted by the court. (2) The court terminates (cancels) the previously granted TRO because the previously granted TRO because the TRO previously granted on (date): 2/21 | ntil the next court date because: ause: Ct because: Warning and Notice to |
| New Court Date: 4/2023 Time: 8:30 Dept.:26 Room: 1 Temporary Restraining Order 2 There is no Temporary Restraining Order (TRO) in this case us 3 The court terminates (cancels) the previously granted TRO because 4 Temporary Restraining Order (TRO) is in full force and effect (1) 4 Temporary Restraining Order (TRO) is in full force and effect (1) 5 The court extends the TRO previously granted on (date): 2/11/2023 6 It now expires on (date): 4/11/2023 6 If no expiration date is listed, the TRO expires at the end of the | ause: Warning and Notice to the Restrained Party: If 4 b is checked, a domestic violence restraining order has bee |
| New Court Date: 41 2023 Time: 8:30 Dept.:26 Room: 1 Temporary Restraining Order a. There is no Temporary Restraining Order (TRO) in this case us (1) A TRO was not previously granted by the court. (2) The court terminates (cancels) the previously granted TRO because the court of the court and effect (1) The court extends the TRO previously granted on (date): 2 In the court extends the troops of the court extends the TRO previously granted on (date): 2 In the court extends the troops of the court extends the court extends the troops of the court extends the court extends the court extends t | warning and Notice to the Restrained Party: If 4 b is checked, a domestic violence restraining order has bee issued against you. You |
| New Court Date: 41 2023 Time: 8:30 Dept.:26 Room: There is no Temporary Restraining Order (TRO) in this case us (1) A TRO was not previously granted by the court. (2) The court terminates (cancels) the previously granted TRO because the court extends the TRO previously granted on (date): It now expires on (date): 41 2023 (If no expiration date is listed, the TRO expires at the end of the listed in 3b). (2) The court changes the TRO previously granted and signs a new | to because: Warning and Notice to the Restrained Party: If (4) b is checked, a domestic violence restraining order has bee issued against you. You must follow the orders until they expire. |
| New Court Date: 4 2023 Time: 8:30 | to because: Warning and Notice to the Restrained Party: If (4) b is checked, a domestic violence restraining order has bee issued against you. You must follow the orders until they expire. |

| | | | Case Number: |
|------------|---|--|--|
| 5 | | 12077 | |
| | b. This is the first time that the resc. The court reschedules the court | date on its own motion. | o prepare. |
| (6) | Serving (Giving) Order to Othe | | |
| | The request to reschedule was made by a. Protected party | b. Restrained party | c. Court |
| | You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date. You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form DV-109, item (6), by (date): | (1) You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date. (2) You must have the protected party personally served with a copy of this order by (date): | (1) Purther notice is not required (2) The court will mail a copy of this order to all parties by (date): |
| | (3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): | (3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): | (3) Other: |
| | (4) The court gives you permission to serve the restrained party as listed on the attached form DV-117. | (4) Other: | |
| | (5) Other: | | |

This is a Court Order.

Revised January 1, 2020
CEB* Essential
ceb.com Forms*

Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TRO) (Domestic Violence Prevention) DV-116, Page 2 of 3

Case Number:

(7) No Fee to Serve

The sheriff or marshal will serve this order for free.

Bring a copy of all the papers that need to be served to the sheriff or marshal.

(8) Other Orders



Date: 3 2023

How. Ayana K. Your



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

-Clerk's Certificate-



I certify that this Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TRO) (form DV-116) is a true and correct copy of the original on file in the court.

Date: MAR 2023 Clerk, by: N. Harris , Deputy

This is a Court Order.

Revised January 1, 2020

Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TRO) (Domestic Violence Prevention) DV-116, Page 3 of 3

EXHIBIT L

Department 26 925-608-1000 www.cc-courts.org



K. Bieker Court Executive Officer

| MINUTE (| ORDER |
|---|--------------------------------------|
| | |
| | HEARING DATE: 11/ /2023 |
| PROCEEDINGS: LONG CAUSE HEARING DVRO TRIAL, | TRO |
| DEPARTMENT 26 | CLERK: NACHE HARRIS |
| JUDICIAL OFFICER: AYANA YOUNG | COURT REPORTER: NOT REPORTED |
| | BAILIFF: |
| | INTERPRETER: |
| JOURNAL ENTRIES: | |
| ALL PARTES APPEAR IN PERSON | |
| THE COURT INFORMS PARTIES AND COUNSEL THAT NOT HAVE A COURT REPORTER PROVIDED | THIS DEPARTMENT (DEPARTMENT 26) WILL |
| PARTIES SHALL MEET AND CONFER REGARDING THIS TRIAL IS RESET FOR 2/12024 AT 9:00AM FOR | A FULL 6 HOUR DAY |
| FUTURE HEARING(S): | |
| FEBRUARY , 2024 9:00 AM LONG CAUSE HEARING | |
| DEPARTMENT 26 | |
| YOUNG, AYANA | |
| | |
| FEBRUARY , 2024 1:30 PM LONG CAUSE HEARING | |
| DEPARTMENT 26 | |
| YOUNG, AYANA | |
| | |
| | |
| DATED: 11/ /2023 | BY: |

N. HARRIS, DEPUTY CLERK

EXHIBIT M



October 10, 2024

VIA U.S. MAIL & EMAIL

Hon. Edward Weil, Presiding Judge
Hon. Benjamin T. Reyes II, Presiding Family Judge
Kate Bieker, Chief Executive Officer
Superior Court of Contra Costa County
725 Court Street
Martinez, California 94553
dept1@contracosta.courts.ca
dept16@contracosta.courts.ca
ctadmin@contracosta.courts.ca

Re: Use of Electronic Recording to Create an Official Verbatim Record in the Absence of a Court Reporter

Dear Judge Weil, Judge Reyes, and Ms. Bieker:

This letter is sent on behalf of Bay Area Legal Aid ("BayLegal") and Family Violence Appellate Project ("FVAP"). BayLegal is the largest provider of free civil legal services in the San Francisco Bay Area. The vast majority of BayLegal's clients are indigent, earning less than 200% of the federal poverty guideline. BayLegal represents clients throughout Contra Costa County at the trial court and appellate level across a wide range of areas, including family law, probate, and other unlimited civil proceedings. FVAP is a non-profit organization that represents clients in appeals involving domestic violence and similar issues throughout the state. FVAP's core mission is to promote the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by appealing dangerous and wrong decisions, and by ensuring all survivors have access to justice at the trial court level through published case law, training, policy advocacy, and legal technical assistance.

In 2022, the Superior Courts of California sounded the alarm about the "chronic" court reporter shortage.¹ BayLegal and FVAP appreciate that this Court faces an unprecedented dilemma in triaging its court reporter staff across its courtrooms. However, BayLegal and FVAP are deeply concerned that no verbatim record exists in an estimated 483,500 family, probate, and unlimited civil hearings in California courts heard between October 1, 2023 and March 31,

 $https://www.lacourt.org/newsmedia/uploads/14202211213124511.02.2022\\ JOINTCEOSTATEM ENTRECOURTREPORTERSHORTAGE.pdf.$



¹ Superior Courts of California, "There is a Court Reporter Shortage Crisis in California," (Nov. 2, 2022), available at

2024,² and the crisis has only worsened. In this Court, there are an insufficient number of court reporters to meet even the Court's statutorily mandated duties to record felony and juvenile proceedings, let alone provide court reporters in other civil proceedings. As a result, BayLegal's own cases and a review of publicly available data confirm that family, probate, and other unlimited civil proceedings are frequently unreported, even where a fee waiver applicant has submitted an official request for a court reporter.

While indigent civil litigants are offered continuances or the opportunity to hire a private court reporter when they have requested a court reporter and one is unavailable, that is an inadequate remedy. In some of BayLegal's cases, these continuances have been as long as five months, and most clients endure multiple continuances. The length and number of continuances and the prohibitive costs of hiring a private reporter for indigent litigants leads many to proceed to hearing or trial without a court reporter. Because this Court does not allow electronic recording for the purposes of securing a verbatim record of a proceeding in unlimited civil, probate, and family law matters, these litigants then are left without any means of securing a record.

Access to a verbatim record of court proceedings is a cornerstone of justice. It ensures transparency, accountability, and the right to appeal—fundamental elements of our legal system. The lack of a verbatim record will (1) undercut consistency in cases that may involve multiple hearings over extended periods of time and/or involve multiple judges, (2) undermine litigants' ability to understand and communicate what has happened at a hearing and what orders were issued, and (3) jeopardize litigants' ability to challenge erroneous orders on appeal. In fact, BayLegal and FVAP have seen first-hand how the "lack of a verbatim record ... will frequently be fatal to a litigant's ability to have [their] claims of trial court error resolved on the merits by an appellate court." (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608.)

The California Supreme Court's decision in *Jameson* requires this Court to provide an official verbatim record to indigent litigants.³ (*Jameson*, *supra*, 5 Cal.5th at 605–606.) This Court's failure to provide verbatim recording to the indigent litigants appearing before it is a direct violation of this Court's obligations under *Jameson*. Moreover, as the Los Angeles Superior Court stated in its September 5, 2024 General Order on this subject, failure to provide a free verbatim record to litigants who cannot retain a private court reporter will often violate these litigants' constitutional rights.⁴ Indeed, the California Court of Appeal has recognized that "the absence of a verbatim record can preclude effective appellate review, cloaking the trial court's actions in an impregnable presumption of correctness regardless of what may have actually transpired. Such a regime can raise grave issues of due process as well as equal protection in light of its disparate impact on litigants with limited financial means." (*In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, n.3.)

If this Court cannot provide free court reporters for indigent litigants, it must use electronic recording to make the verbatim record. While we understand the tension with the

Page 2 of 3

² Judicial Council of California, "Fact Sheet: Shortage of Certified Shorthand Reporters in California," (June 2024), available at https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf.

³ Indigent litigants, as used herein, is any litigant who is eligible for a fee waiver for court fees and costs pursuant to Government Code section 68632.

⁴ Superior Court of Los Angeles County, General Order re Operation of Electronic Recording Equipment for Specified Proceedings Involving Fundamental Liberty Interests in the Absence of an Available Court Reporter (Sept. 5, 2024).

apparent limitations on electronic recording set forth in Government Code section 69957, we believe the Court's obligation to uphold litigants' constitutional rights and to follow *Jameson* requires such a solution.⁵ We ask that this Court move forward expeditiously to use electronic recording to create official verbatim records for indigent litigants in all civil proceedings (including family and probate proceedings) when a court reporter is not available.

We would appreciate the opportunity to meet with you to discuss this issue in greater depth. Please contact Jessica Wcislo at jwcislo@baylegal.org as soon as possible, but no later than October 25, 2024 to schedule a call. We look forward to your response.

Respectfully,

Jessica Wcislo

Family Law Staff Attorney, Contra Costa County Office

essica Wcislo

Bay Area Legal Aid

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⁵ The Presiding Judge of the Los Angeles Superior Court, the largest trial court in the nation, issued a General Order on September 5, 2024 that permits electronic recording in family law, probate, and civil proceedings, notwithstanding Government Code section 69957. While the Los Angeles Superior Court's order is an important first step, it does not fully protect the constitutional rights of indigent litigants, as only certain indigent litigants will have access to a verbatim record created by electronic recording under the General Order.

EXHIBIT N

Superior Court of California

Edward G. Weil Presiding Judge COUNTY OF CONTRA COSTA 725 COURT STREET P.O. BOX 911 MARTINEZ, CA 94553-0091



October 21, 2024

Jessica Wcislo
Family Law Staff Attorney
Contra Costa County Office
Bay Area Legal Aid
1025 Macdonald Ave.
Richmond, CA 94801

Electronic Mail: jwcislo@baylegal.org

Re: Use of Electronic Recording in Civil Cases

Dear Ms. Wcislo:

Thank you for your letter of October 10, 2024, concerning use of electronic recording in civil cases. We also are aware of the issues posed by the lack of a transcript, particularly with respect to the ability of a party to appeal an adverse judgment.

We currently are examining what actions, if any, would be appropriate to take regarding this issue. At this point, we do not think a meeting would be helpful.

Very truly yours,

Edward G. Weil Presiding Judge

TAB 4

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.

DECLARATION OF
ALISON PUENTEDOUGLASS IN
SUPPORT OF
PETITION FOR WRIT
OF MANDATE AND/OR
PROHIBITION

I, ALISON ("ALI") PUENTE-DOUGLASS, declare as follows:

- 1. I am an attorney licensed by the State of California and admitted to practice before this Court.
- 2. I am an attorney at Legal Aid Society of San Diego and make the following declaration based upon my personal knowledge. I make this declaration in support of Petitioners' Petition for Writ of Mandate and/or Prohibition. Except as otherwise stated, I have personal knowledge of the matters set forth herein and can and will testify thereto if called upon to do so.

I. BACKGROUND AND EXPERIENCE

3. My entire legal career has been focused on providing legal services to low-income litigants who otherwise may struggle to access the justice system.

- 4. I received my Bachelor of Arts from the University of Texas at Austin with a government major and history minor. I graduated from New York University School of Law in May of 2013 and was admitted to the California Bar in December of 2013. I have nearly 11 years of professional litigation experience, and I am admitted to practice before all California State Courts.
- 5. Following law school, I began work at the San Diego Volunteer Lawyer Program ("SDVLP") as a Post-Bar Fellow providing family law services for survivors of domestic violence. After being sworn in, I made over 40 court appearances in family law cases, before transitioning to managing a civil legal clinic for low-income clients living with HIV and AIDS as a Staff Attorney at SDVLP.
- 6. In June of 2015, I started as a family law Staff Attorney with Legal Aid Society of San Diego ("LASSD"). Since that time, I have managed my own case load of clients from intake to closure. I provide advice to clients by phone and take a portion of those cases for direct representation.
- 7. In December of 2019, I was promoted to the role of Lead Attorney for the Family Law Team at LASSD, and in 2021, I was promoted to Managing Attorney for the Family Law Team. During my nearly ten years with LASSD, I have made over 450 court appearances. I have litigated a variety of matters including custody and support, property division, and novel legal issues. I have settled cases through negotiation and mandatory settlement conferences and brought other cases to trial and

conducted numerous evidentiary hearings. I have also represented clients in appeals and given oral argument before the California Court of Appeal.

II. LASSD'S MISSION AND SERVICES

- 8. LASSD is a nonprofit law firm that provides free legal services to lower income San Diego residents. Our mission is to improve lives by advancing justice through effective, efficient and vigorous legal advocacy, outreach and education.
- Currently, as Managing Attorney of the Family Law Team, I supervise four other attorneys and three support staff in providing family law legal advice, legal services, and representation to eligible low-income San Diegans. Unique to some of the legal non-profits in San Diego, our attorneys provide full-scope representation as the attorney-of-record in many of our clients' cases, instead of providing only limited-scope representation for a portion of the case. 1 As a result, we often represent clients over the course of several months or years as we assist in bringing their matters to a satisfactory conclusion. We also provide brief services (such as document preparation or declaration drafting) and provide legal advice to pro se litigants. Collectively, we assist over 300 individuals per year with a variety of family law matters, including divorce, custody and visitation, establishing parentage, child and spousal support, property division, and restraining order matters.

¹ "Full scope representation" is when we represent clients as their attorney of record in every aspect of the case. "Limited scope representation" is when we represent clients as their attorney of record for only a portion of the case, such as requesting a restraining order.

- of-record, we represent our clients in multiple evidentiary and procedural hearings. For example, in divorce or parentage proceedings, there is usually an evidentiary hearing early in the case to establish temporary custody, visitation, and support orders; and subsequently, there may be a hearing to modify one or more of those orders. The best-case scenario is that the evidentiary hearings allow the parties to resolve all disputed issues, with the goal of reaching a global settlement without a trial. This does not always happen, however, and we sometimes represent clients in trial, which typically last at least one full day, if not several days.
- 11. All of our family law clients are indigent and eligible for a waiver of court fees and a free court reporter.

III. THE COURT REPORTER SHORTAGE IN SAN DIEGO SUPERIOR COURT AND ITS IMPACT ON INDIGENT LITIGANTS' ACCESS TO A VERBATIM RECORD

12. On or about September 30, 2021, San Diego Superior Court ("SDSC") notified attorneys that, due to court reporter staffing shortages, it was amending its policy regarding the availability of official court reporters in family law cases. SDSC stated that, effective November 30, 2021, official court reporters will not normally be available in family law matters

except for Family Support Division matters² and contempt hearings. Attached as **Exhibit A** is a true and correct copy of this notice, which our office received by email.³

- on my experience, court reporters are no longer automatically present in family law courtrooms unless there is a contempt proceeding, or the proceeding is taking place in the Family Support Division. Attached as **Exhibit B** is a true and correct copy of SDSC's Policy Regarding Normal Availability And Unavailability Of Official Court Reporters.⁴
- 14. In order to receive a verbatim record of their proceedings, an indigent litigant in family court must request a court-provided court reporter or hire a private one. In my experience, SDSC does not allow electronic recording in family law cases to create an official verbatim record of the proceeding. On several occasions, I have requested electronic recording when a court reporter was not available, but the judicial officer denied my requests, typically with apologies that their hands were tied.

² The Family Support Division hears "all actions filed by the Department of Child Support Services (DCSS) regarding support, support enforcement, medical insurance and parentage" as well as "support issues in family law cases in which the DCSS is providing enforcement services." (Super. Ct. San Diego, Family Support Division

https://www.sdcourt.ca.gov/sdcourt/familyandchildren2/familysupportdivision>.)

³ This document is also available online: https://www.sdcourt.ca.gov/sites/default/files/2021-09/9-30-21 notice to attorneys re changes in policy regarding court reporters.pdf.

⁴ This document is also available online at: https://www.sdcourt.ca.gov/sites/default/files/sdcourt/generalinformation/forms/adminforms/adm317.pdf.

- 15. Because of the general unavailability of court reporters, family law litigants who request a court-provided court reporter are not guaranteed a court reporter on the date of their hearing. The Request for Court Reporter by a Party with a Fee Waiver form (SDSC Form #ADM-379) notifies litigants that: "Given the general unavailability of official court reporters, notice of the availability of a court reporter will not be given until the day of the trial or hearing." Attached as **Exhibit C** is a true and correct copy of SDSC Form #ADM-379.⁵
- 16. In my experience, court reporters are not always available when requested by our clients and are least likely to be available for long-cause matters.⁶ For example, I once arrived for a full-day hearing and learned that no reporter was available even though my request was made nearly six weeks in advance.
- 17. Moreover, in my experience, when an indigent litigant has requested a court-provided court reporter but one is not available on the date of the proceeding, SDSC provides the litigant with three options: 1) hire a private court reporter, which necessitates a continuance, 2) continue the proceeding to another day when a court reporter might be available, or 3) proceed to have their matter heard as calendared without a court reporter.

⁵ This document is also publicly available at: https://www.sdcourt.ca.gov/sites/default/files/sdcourt/generalinformation/forms/adminforms/adm379.pdf.

⁶ "Long cause" hearings or trials refers to matters that are set for longer than 40 minutes, and is inclusive of matters that last several days, or even weeks. "Short cause" hearings are hearings set for 20 or 40 minutes.

- estimates we have received are for over \$1,000 for half a day. Because our clients are indigent and generally unable to afford the costs of litigation, LASSD may pay for private court reporters in instances that present an especially heightened risk of prejudice and harm. However, as a publicly funded organization, we have limited funds for litigation costs, including hiring private court reporters. Moreover, even if LASSD is able to cover the cost of a private court reporter, one is not always available for hire. In my experience, since the 2021 policy change, I have only been authorized to pay for a private court reporter once, and even then, I was unable to find one available to hire at our expense.
- between accepting a continuance or proceeding with the hearing without a court reporter. Continuances of a case due to the unavailability of a court reporter on the requested date can lead to lengthy delays. Based on my experience, hearings on a matter requiring a short hearing (e.g., 20 minutes) are continued out on average three to four months. Evidentiary hearings, which require a longer time slot, are typically continued out longer, as it can be harder to find availability on the judge's calendar. For example, one divorce matter I litigated had been scheduled for a full-day hearing on several issues, including spousal support and property control, but had to be continued due to court reporter

⁷ Many departments in SDSC already face delays in scheduling hearings. Trials and long-cause hearings are currently being set for late 2025 in some departments. Continuances compound these delays.

unavailability. In an attempt to hear the matter faster, it was rescheduled on two half day calendars, with the second date calendared thirteen months in the future from the original date. Additionally, there is also no guarantee that the court reporter will be available on that new hearing date, and clients may be faced with a choice yet again. In my team's experience, by the second time a court reporter is not available, most clients will proceed without one.

- 20. Delaying proceedings until a court reporter is available risks potential harm to indigent litigants. For example, many of our clients seeking a permanent domestic violence restraining order are operating under temporary orders, such as a temporary domestic violence restraining order or a temporary custody order. There can be detrimental consequences to extending out these temporary orders until a court reporter is available. For example, extending out temporary custody orders can give rise to conflict between the parties, as these orders may not address issues like holidays, schools, and transportation. Additionally, if a hearing on child or spousal support issues is extended out, then a client may be unable to meet basic expenses. While the client may be awarded those benefits retroactively, they can be left without sufficient income while awaiting their day in court.
- 21. In addition to these potential harms, having to return to court another day can be burdensome on litigants who have to take more time off from work, arrange and pay for additional child or elder care, and/or pay additional

transportation costs. This is also the case for witnesses who may not be able or willing to come on a second day.

- 22. When advising a client of their options to proceed without a reporter or accept a continuance, we have to explain the potential harms associated with these options. In our experience, clients often have chosen to reject a continuance, knowing the risk it may pose to future litigation or their ability to appeal, simply because they urgently need relief from the court. For example, in one of my cases, my client elected to proceed with litigating her restraining order when a requested court reporter was unavailable. In the Minute Order, the Court noted a request had been made but a court reporter was unavailable. The Court then "indicate[d] reporters are not mandatory in Family Law proceedings". A true and correct excerpted copy of the Minute Order is attached as **Exhibit D**, and has been redacted for my client's confidentiality.
- 23. In my personal experience, more than half of our clients we represent as the attorney-of-record decide to proceed without a court reporter when they have requested one, but one is not available.
- 24. Additionally, many *pro se* litigants proceed without a court reporter, including for evidentiary hearings like a hearing for a request for a domestic violence restraining order. While our advocates and attorneys do advise *pro se* clients of the procedure for requesting a court reporter with a fee waiver, we do not know how many follow that advice. In my experience, many are already so taxed from litigating their own case that any extra

administrative hurdle can feel insurmountable. Since SDSC's amended policy on the availability of court reporters went into effect, we have not observed a single *pro se* litigant bring their own private court reporter or request a court-provided one.

IV. THE IMPACT OF THE COURT REPORTER SHORTAGE ON LITIGANTS' ABILITY TO LITIGATE AT THE TRIAL COURT LEVEL AND TO APPEAL

- 25. Verbatim records make it possible for litigants to reference prior testimony or previously addressed issues. This is particularly important when more than one judicial officer presides over a case. In our cases, where the standard of proof is preponderance of the evidence, the ability to refer to litigants' prior testimony is useful not just to the litigants but to the court.
- created by a court reporter affects clients' ability to successfully appeal erroneous decisions. It can even impede our ability to determine whether an appeal would be warranted. This is especially true for *pro se* litigants, who may be unable to take detailed notes during a hearing or may not understand the significance of the legal terms used during a proceeding. Without a record, it is impossible to reconstruct a hearing solely from the Minute Order and the recollections of a *pro se* litigant, which affects our ability to advise clients who come to us after their case has already been in active litigation.
- 27. I have had several cases in which I would have filed an appeal but ultimately did not because there was no verbatim record of the trial court proceeding. For example, I was

unable to appeal an order granting shared custody to my client's abuser. The order was based on a finding that the abuser had overcome Family Code section 3044, which establishes a presumption against awarding custody to a perpetrator of domestic violence as detrimental to the child's best interest. I considered the finding to be an error because the abuser had repeatedly harassed my client in direct violation of the Domestic Violence Restraining Order that was in effect. Due to the lack of verbatim record, we did not bring an appeal. Ultimately, my client's abuser committed further acts of abuse and a new Restraining Order After Hearing was issued approximately a year later. Because of this new finding of domestic violence, the court, when reconsidering custody, reapplied the presumption of Family Code 3044 and awarded my client sole legal and physical custody. Months of uncertainty and conflict, to which the children were exposed, could have been avoided if we had access to a verbatim record to appeal the original custody order.

28. Access to a verbatim record has become stratified under the current policy, affecting the ability of low-income and *pro se* litigants to achieve just results. Our clients would benefit from modifications to the current system.

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

Executed on November 22, 2024, in San Diego, California.

ALI PUENTE-DOUGLASS

EXHIBIT A

TO THE DECLARATION OF ALISON PUENTE-DOUGLASS



Superior Court of California

County of San Diego

EXECUTIVE OFFICE 1100 UNION STREET SAN DIEGO, CA 92101 PublicNotice@SDCourt.CA.Gov

September 30, 2021

NOTICE TO ATTORNEYS

CHANGES TO POLICY REGARDING NORMAL AVAILABILITY AND UNAVAILABILITY OF OFFICIAL COURT REPORTERS

Due to court reporter staffing shortages, the San Diego Superior Court will be amending its policy for normal availability and unavailability of official court reporters in family cases, and effective November 30, 2021, official court reporters will no longer be available for Family Law matters with the exception of Family Support Division (FSD) matters and Contempt Hearings.

The San Diego Superior Court's policy regarding the normal availability and unavailability of official court reporters will be as follows:

Effective November 30, 2021, official court reporters will normally be available in felony criminal cases and juvenile matters during regular court hours. Official court reporters will not normally be available in civil matters, family law matters (with the exception of Family Support Division [FSD] matters and Contempt Hearings), or in probate matters.

The San Diego Superior Court provides electronic recording services in infraction and misdemeanor proceedings. The court may electronically record limited civil proceedings, including unlawful detainers, collections, and small claims, *if* recording equipment is available.

A party who has been granted a waiver of court fees and costs may request the services of an official court reporter for a proceeding for which a reporter is not normally available and for which electronic recording is not provided. Information on how to submit a request is available on the Court Reporter Information page on the court's website at www.sdcourt.ca.gov/CourtReporter.

Information on how parties may obtain and pay for a private certified shorthand reporter for a hearing, and information for parties who paid court reporter fees for an affected hearing scheduled on or after November 30, 2021 on how to request a refund, is available on the Court Reporter Information page on the court's website at www.sdcourt.ca.gov/CourtReporter.

The court's revised Policy Regarding Normal Availability and Unavailability of Official Court Reporters (SDSC Form #ADM-317) will be available on the court's website on November 30, 2021.

MICHAEL M. RODDY

Executive Officer

Distributed for Publication

EXHIBIT B

TO THE DECLARATION OF ALISON PUENTE-DOUGLASS

Court of Caller **

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

POLICY REGARDING NORMAL AVAILABILITY AND UNAVAILABILITY OF OFFICIAL COURT REPORTERS

Effective November 30, 2021, official court reporters are normally available in felony criminal cases and juvenile matters during regular court hours. Official court reporters are not normally available in civil matters, family law matters (with the exception of Family Support Division [FSD] matters and Contempt Hearings), or in probate matters.

The San Diego Superior Court provides electronic recording services in infraction and misdemeanor proceedings. The court may electronically record limited civil proceedings, including unlawful detainers, collections, and small claims, *if* recording equipment is available.

A party who has been granted a waiver of court fees and costs may request the services of an official court reporter for a proceeding for which a reporter is not normally available and for which electronic recording is not provided (see above). Such a request should be made using the Request for Court Reporter by a Party with a Fee Waiver form (SDSC Form #ADM-379), available on the court's website, and must be filed with the clerk at least 10 days before the proceeding, or at the time the proceeding is scheduled if less than 10 days away. Failure to comply with this request procedure may result in the court being unable to provide a court reporter, or a continuance of the hearing. Party(ies) to the case who do not qualify for a waiver of court fees and costs will be responsible for a pro rata share of the fees.

Note: Unless otherwise required by law, the court is generally not obligated to provide court reporter transcripts free of charge to a party who has been granted a waiver of court fees and costs. (See *Rohnert Park v. Superior Court* (1983) 146 Cal.App.3d 420; *Mehdi v. Superior Court* (1989) 213 Cal.App.3d 1198.) Assistance may be available through the Transcript Reimbursement Fund. Further information is available on the California Court Reporters Board's website.

Parties may, without a stipulation, arrange for the appointment of a court-approved official court reporter pro tempore for any matter for which a reporter is not normally available. The Court-Approved List of Official Reporters Pro Tempore (SDSC Form #ADM-321) includes names and contact information of reporters who can be privately arranged and appointed as an official court reporter pro tempore without stipulation of the parties. This list, as well as the Policy for Court-Approved List of Official Reporters Pro Tempore (SDSC Form #ADM-313), which sets forth the policy for court reporters to be approved for the list, and the Official Reporter Pro Tempore Policy (SDSC Form #ADM-315), which includes information for arranging for the appointment of a reporter, may be found on the court's website.

Parties may, by stipulation, arrange for the appointment of a certified shorthand reporter who is not on the court-approved list to serve in a proceeding as an official court reporter pro tempore for any matter for which a reporter is not normally available. The court's Official Reporter Pro Tempore Policy (SDSC Form #ADM-315), and other necessary forms and information for arranging for a reporter, may be found on the court's website.

The reporting notes of all certified shorthand reporters are the official records of the court and shall be kept by the reporter taking the notes in a place designated by the court, or, upon order of the court, delivered to the clerk of the court (Gov. Code § 69955(a)). The court's Official Reporter Pro Tempore Electronic Notes Upload/Archiving Policy (SDSC Form #ADM-319), which includes information for providing the court with electronic notes, may be found on the court's website.

All court forms, policies, and additional information may be found on the Court Reporter Information page on the court's website at sdcourt.ca.gov/CourtReporter.

EXHIBIT C

TO THE DECLARATION OF ALISON PUENTE-DOUGLASS

| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): | FOR COURT USE ONLY | | | | |
|--|--|--|--|--|--|
| | | | | | |
| | | | | | |
| TELEPHONE NO. | | | | | |
| TELEPHONE NO.: FAX NO. (Optional): | | | | | |
| EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): | | | | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | | | | | |
| ☐ CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST, SAN DIEGO, CA 92101 ☐ CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 1000, VISTA, CA 92081 ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910 | | | | | |
| PLAINTIFF(S) / PETITIONER(S) | JUDGE | | | | |
| DEFENDANT(S) / RESPONDENT(S) | DEPT | | | | |
| REQUEST FOR COURT REPORTER BY A PARTY WITH A FEE WAIVER | CASE NUMBER | | | | |
| A party who has been granted a waiver of court fees and costs may request the services of an official court reporter for a proceeding for which a reporter is not normally available and for which electronic recording is not provided. See Policy Regarding Normal Availability and Unavailability of Official Court Reporters (SDSC Form #ADM-317), available on the court's website, for information. | | | | | |
| A request must be made for each proceeding for which a reporter is requested, ar calendar days before the date set for the proceeding, or at the time the proceeding Failure to comply with this request procedure may result in the court being a continuance of the hearing. Party(ies) to the case who do not qualify for a waiver of for a pro rata share of the fees. Note: Unless otherwise required by law, the court is reporter transcripts free of charge to a party who has been granted a waiver of courts. | g is scheduled if less than 10 days away. inable to provide a court reporter or a f court fees and costs will be responsible s generally not obligated to provide court | | | | |
| If eligible, the court will try to schedule a court reporter for the date/time of the court proceeding but cannot guarantee that one will be available. Given the general unavailability of official court reporters, notice of the availability of a court reporter will not be given until the day of the trial or hearing. | | | | | |
| REQUEST | | | | | |
| I,, had a waiver of court fees and costs approv | ed by the court on (date), | | | | |
| and I request an official court reporter for hearing on (do not be not b | late) at | | | | |
| Date: | Signature | | | | |
| FOR OFFICE USE ONLY | Oignatare | | | | |
| | a Services potified of request | | | | |
| Approved fee waiver on file and case-type is eligible. Office of Court Reporting Services notified of request. No approved fee waiver on file and/or case-type not eligible for reporter. | | | | | |
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| | | | | | |
| | | | | | |

Dist.: Case Requestor Office of Court Rpt Srvs

EXHIBIT D

TO THE DECLARATION OF ALISON PUENTE-DOUGLASS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CAL. NO. 1/2/3 NUMBER REPORTER CSR# INTERPRETER SPANISH X Requested but unavailable MP □R □NOT REQUESTED □NOT REPORTED DATE OF HEARING TIME OF HEARING JUDGE DEPT 01 2024 9:00 AM PETITIONER ATTORNEY FOR PETITIONER ☐ P ☐ NP X P NP ALI PUENTE-DOUGLASS REMOTE REMOTE Video RESPONDENT ATTORNEY FOR RESPONDENT X P DNP IX P NP REMOTE REMOTE ADDITIONAL PARTY ADDITIONAL COUNSEL □ P □NP P NP REMOTE REMOTE RFO Hearing: (R) Child Custody, Visitation (Filed 5/ /23 in Non-Lead Case RO Hearing: (P) RO Filed in Non-Lead Case RFO Hearing: (P) Move Away (Set per 8/23 ExParte) ☐ CONFIRMED ☐ VACATED Next Hearing: THE ABOVE MATTER CAME ON FOR HEARING THIS DATE WITH ABOVE APPEARANCES, AFTER HEARING THE COURT ORDERED THAT CONSOLIDATION: CASE NO SCONSOLIDATED WITH PRIMARY/LEAD CASE NO. OATH: PTNR RESP SWORN AND EXAMINED AS TO JURISDICTION DADVISAL, WAIVER OF RIGHTS, STIPULATION RE: PATERNITY FILED CUSTODY: LEGAL: DOINT DSOLE LEGAL PTNR DSOLE LEGAL RESP PHYSICAL: DOINT PRIMARY PTNR RESP VISITATION: PARTIES REFERRED TO FAMILY COURT SERVICES □EXTENDED MEDIATION □PSYCH, EVALUATION ORDERED ADOPTED AS AN ORDER □BY STIPULATION □AS MODIFIED ☐ FAMILY COURT SERVICES ☐ MINORS' COUNSEL RECOM. DATED _____ ADOPTED AS AN ORDER ☐ BY STIPUL ☐ VISITATION OF ☐ PTNR ☐ RESP ☐ SUPERVISED BY ☐ AGREED UPON 3RD PARTY ☐ PROFESSIONAL AGENCY □ CHILDREN NOT TO BE REMOVED FROM □ COUNTY □ STATE WITHOUT WRITTEN CONSENT OF THE OTHER PARENT OR THE COURT DPARTIES NOT TO MAKE DISPARAGING REMARKS ABOUT THE OTHER PARTY OR HAVE ADULT DISCUSSIONS IN THE PRESENCE OF THE CHILDREN □PTNR □RESP ORDERED NOT TO CONSUME ALCOHOL/DRUGS IN PRESENCE OF CHILDREN □ DURING VISITS OR W/IN 24 HRS OF VISITATION □PTNR □RESP TO COMP SUBSTANCE ABUSE ASSESSMENT □PTNR □RESP TO COMP. PARENTING CLASS □PTNR □RESP TO COMP. ANGER MGMT. CLASS □PTNR □RESP TO COMP. 52-WEEK DVRP □PTNR □RESP STIPULATE/ORDERED TO DRUG TESTING □PROOF TO □COURT FILE □COUNSEL BY COURT FINDINGS (FC§ 3048): BASIS FOR JURISDICTION: WHOME STATE □EMERGENCY ☑NO OTHER STATE HAS ASSUMED JURISD. & THIS IS AN APPROPRIATE FORUM □PREVIOUS ORDERS MADE IN THIS COURT □ MANNER NOTICE GIVEN: DPERSONAL SERVICE DMAIL SERVICE DPERSONALLY PRESENT & HAS KNOWLEDGE OF HEARING D MANNER NOTICE GIVEN: DERSONAL SERVICE DIMAIL SERVICE BY THE CHILD (REN): ASAN DIEGO CNTY, CALIFORNIA, USA DEPARTIES ADVISED THAT VIOLATION OF THIS ORDER MAY RESULT IN CIVIL OR CRIMINAL PENALTIES, OR BOTH THE COURT FINDS: CHILDREN CHILD SHARE. * INTERIM FINAL CUSTODY/VISITATION ORDER PTNR: DSINGLE DH DMARRIED DJOINT FILING SEP () RESP. DSINGLE DH DMARRIED DJOINT DFILING SEP (DABILITY □NON-TAX \$ DABILITY □NON-TAX \$_ GROSS \$ GROSS \$ DEDUCT: HEALTH\$___ PROP.TAXS INTEREST\$ DEDUCT: HEALTH\$ PROP.TAXS **INTERESTS** MAND.RETIREMT\$ HARDSHIPS HARDSHIP\$ UNION DUESS UNION DUESS MAND.RETIREMT\$ NEW SPOUSES **NEW SPOUSE\$** NETS MO.EFF: _____ PAYABLE BY __PTNR __RESP THE COURT ORDERS CHILD SUPPORT OF:\$ ☐CHILD SUPPORT ORDERED THRU D.C.S.S. THIRD CHILD \$ FOURTH CHILD S ☐FIRST CHILD \$ SECOND CHILD \$ □PTNR □RESP TO PAY 1/2 OF ANY UNCOVERED MEDICAL/DENTAL/ORTHODONTIC/OPTICAL/PSYCHOLOGICAL FEES PURSUANT TO FC§4063 □PTNR □RESP TO PAY 1/2 OF CHILD CARE COSTS FOR EMPLOYMENT / JOB SEARCH ONLY / AUTHORIZED EDUCATIONAL PURSUITS □BILLS TO BE SUBMITTED W/IN 10/30 DAYS AND REIMBURSEMENT DUE 10/30 DAYS AFTER RECEIPT OF THE BILL

MINUTES OF THE FAMILY COURT

DWAGE ASSIGNMENT AUTHORIZED

MO.EFF:

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TERMINATED □TERM DATE □THE COURT HAS CONSIDERED FC4320 FACTORS

ATTY FEES \$ AT \$ MO. EFF. BY □PTNR □RESP □RESERVED □2 MONTH ACCELERATION CLAUSE
□AS ADDTL. SUPPORT FOR ENFORCEMENT PURPOSES □WAGE ASSIGNMENT AUTHORIZED ○ND HOE (1.5H2)

□PTNR □RESP TO MAINTAIN □HEALTH INSURANCE AT MINIMAL OR NO COST □LIFE INSURANCE

CHILD SUPPORT: EARNINGS ASSIGNMENT □ORDERED □ISSUED □NOT ISSUED.

COURT APPTS. ATTY.

THE COURT ORDERS SPOUSAL SUPPORT OF \$

DRESERVED

PAYABLE BY PTNR RESP RESERVED

AS OF PTNR PRESP OR PERSONNELL BESSUE

AS OF PTNR PRESP OR PTNR PRESP STIP MOEFF:

AT 900 IN DEPT. 10 BY PTNR PRESP STIP MOUNT PREISSUE

FOR MINOR(S) [RESERVED AS TO FEE REIMBURSEMENT] SEE ORDER APPOINTING COUNSEL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CAL. NO. 1/2/3

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| □EXCEPTION F □WITH MODIFIC □PC§29825 FIR | ORDERS: PTNR PRESP MOTION FOR COURT ORDERED VISITATION EXCIPATIONS (POS) TO EXPIRE REARMS NOTICE TO RESTRAINED PARTY TO PICK UP PERSONAL PROPERTY. | IANGES □PROTECTED PAR □3 YEARS □ Y □RESTRAINED PARTY II | RTY MAY RECORD COMMUNICA | TION FROM RESTRAINED PARTY ADVISAL RANK: |
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| OTHER: | | | | |
| P | Prior to the case being called, the C | ourt informs parties and | counsel we're still waiting f | or the |
| | nterpreter to check in as he was or | | | |
| | nother requested a court reporter | | | |
| | norning. The Court indicates repor Puente-Douglas believes her client | | 원이는 사용에 사용하다면 친구 아버릇은 점에는 친구들이 가려워 가지 않는데 되었다. | nd Attorney |
| | and a sugar a succession of others | and to define the | | |
| | :15 am Case called. The interprete | | | |
| | eiterates although requested, a co | | | |
| | Attorney Puente-Douglas represent would renew her request if a repor | | | eporter but |
| A | After inquiry by the Court, both cou | nsel indicate they have r | net and conferred and iden | tify the |
| | exhibits they've agreed upon to cor | | | 27.7 |
| Δ | Attorney Puente-Douglas indicates | nother's Exhibits A-F we | ere previously lodged and th | ne Court took |
| | udicial notice of Exhibit E (Court re | | | Z -55 307 32 330 1 |

2:56 pm Court is back in session with both parties, counsel and Mr. Interpreter present as indicated above. The Court first addresses the timing issues due to the late start this afternoon, offering to continue today's proceedings until 4:30 pm, allow counsel to submit written closing arguments and then the Court can issue a written ruling. Attorney Puente-Douglas indicates counsel did briefly meet and confer and agreed each side would need approximately 1 hour for cross and direct examination of their respective clients. Mother's preference is to conclude the restraining order matter today and continue the child custody, visitation and move away issues to another day with a ½ day time estimate. Attorney is in general agreement, subject to court reporter availability, interpreter availability and the Court's calendar. The Court indicates the matter will proceed today until 4:30 pm and any court reporter is subject to written request and availability as criminal matters take priority. After inquiry by the Court, Mr. Interpreter is amenable to proceeding until 4:30 pm.

3:02 pm Attorney presents closing argument on behalf of father regarding the restraining order.

3:15 pm Attorney Puente-Douglas presents further closing argument on behalf of mother in response to counsel's argument.



Page 5 of 8

TAB 5

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.

DECLARATION OF ELLEN Y. CHOI IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION

I, Ellen Y. Choi, declare as follows:

- 1. I make this declaration in support of Petitioners Family Violence Appellate Project ("FVAP") and Bay Area Legal Aid's Petition for Writ of Mandate and/or Prohibition in the above titled action. I have personal knowledge of the facts set forth in this declaration.
- 2. I am a member of the State Bar of California and a lawyer at Covington & Burling LLP, co-counsel for FVAP.
- 3. On July 31, 2024, I submitted a request for judicial administrative records to the Contra Costa County Superior Court and San Diego County Superior Court on behalf of FVAP and pursuant to Rule 10.500 of the California Rules of Court via email. A paper copy of the request was sent via U.S. mail on August 1, 2024. The request sought records related to

each respective court's provision of court reporters to litigants in unlimited civil cases and the availability and use of electronic recording in their courtrooms.

- 4. On August 23, 2024, Contra Costa County Superior Court Chief Counsel and Public Information Officer Matt J. Malone provided a letter response to the request via email, a true and correct copy of which is attached hereto as **Exhibit A.**
- 5. On August 9, 2024, San Diego County Superior Court Executive Officer Michael M. Roddy provided a letter response to the request via email, a true and correct copy of which is attached hereto as **Exhibit B.**

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

Executed on December 3, 2024 in San Francisco, California.

ELLEN Y. CHOI

EXHIBIT A

TO THE DECLARATION OF ELLEN Y. CHOI



Superior Court of California

COUNTY OF CONTRA COSTA
725 COURT STREET
P.O. BOX 911
MARTINEZ, CA 94553

August 23, 2024

Via Electronic Mail

Ellen Choi Covington & Burling LLP Salesforce Tower 415 Mission Street, Suite 5400 San Francisco, CA 94105-2533 EChoi@cov.com Katelyn Rowe Community Legal Aid SoCal 12501 Imperial Highway, Suite 250 Norwalk, CA 90650 krowe@clsocal.org

Dear Ellen Choi and Katelyn Rowe:

This constitutes the Court's response to the request of Covington & Burling LLP and Community Legal Aid SoCal, each on behalf of the Family Violence Appellate Project, for judicial administrative records under Rule 10.500 of the California Rules of Court. Your entities request 12 separate categories of documents, 6 categories of which have 8 subcategories each, concerning the Contra Costa County Superior Court's fulfillment of requests for a court reporter by a party with a fee waiver. The relevant period is July 1, 2022, to present.

Initially, the Court notes that staffing for court reporters has been an ongoing issue for trial courts throughout the state, resulting in production of several documents relevant to the issue if not specifically responsive to any particular request:

 The Judicial Council prepared a fact sheet on the issue: https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf

- Multiple Court Executive Officers, including Contra Costa Superior Court Executive Officer Kate Bieker, issued a statement on the crisis in 2022: https://www.cc-courts.org/general/docs/11-02-2022JointCEOStatmentReCourtReporterShortage.pdf.
- The Judicial Council keeps ongoing statistical data on court reporter recruitment, retention, and attrition, viewable by quarter from 2023 forward, which continues to show net decreases in court reporters statewide: https://www.courts.ca.gov/76328.htm.

The crisis has not abated but only worsened. The Court currently has 16 full time and 2 part time reporters, down from well over 30 full-time reporters in 2019. The result is that the Court often lacks sufficient reporters for even those cases where reporters are statutorily mandated (felonies, LPS, etc.). Priority goes to those cases where reporting is required. While the Court makes every effort to provide reporters whenever requested, and even where not required by law, staffing shortages make this impossible on a regular basis.

Within this context, the Court answers your requests individually below. The Court is not required to create new records in response to a request. (See Cal. Rules of Ct., rule 10.500(e)(1)(B).) Accordingly, while obtaining information from inquiry into a single Court-maintained database is not creation of a new record, the Court is not obligated to incur costs in creating programs or other methods to obtain data not readily available from its case management databases. (See *id.*). Further, records that can only be found in case files are not judicial administrative records and are not subject to production in response to a request under Rule 10.500. (See Cal. Rules of Ct., rule 10.500 (b)(1), (c)(1).) The Court answers each request below.

- 1. Total number of Jameson Requests that Contra Costa County Superior Court received, broken down by quarter, and by case type (if possible) as follows:
 - a. Domestic Violence cases
 - b. Civil Harassment cases
 - c. Elder Abuse cases
 - d. Termination of Parental Rights cases
 - e. Guardianship and Conservatorship cases
 - f. Custody and Visitation Family Law cases
 - g. Other Family Law cases
 - h. Other Unlimited Civil cases

The Court does not have specific administrative records tracking this data, nor can it obtain such records through inquiry into its case management database. While the Court could provide reports of the total numbers of fee waiver applications filed, and a separate report on the total number of reporters requested, there is no way for the Court to cross-reference these two reports or confirm what number of reporter requests came from fee waiver litigants. The closest responsive judicial administrative records the Court can provide are the daily sheets assigning Court Reporters to the departments each day, which are produced herewith for the period requested. Certain information in these documents is exempt from production. (See Cal. Rules of Ct., rule 10.500 (f)(3), (5).) The Court otherwise does not administratively track this information.

- 2. Total number of Jameson Requests that were denied, broken down by quarter, and by case type (if possible) as follows:
 - a. Domestic Violence cases
 - b. Civil Harassment cases
 - c. Elder Abuse cases
 - d. Termination of Parental Rights cases
 - e. Guardianship and Conservatorship cases
 - f. Custody and Visitation Family Law cases
 - g. Other Family Law cases
 - h. Other Unlimited Civil cases

The Court does not have specific administrative records tracking this data, nor can it obtain such records through inquiry into its case management database. The closest responsive judicial administrative records the Court can provide are the daily sheets assigning Court Reporters to the departments each day, which are produced herewith for the period requested. Handwritten notes therein may indicate a fee waiver and provision of a court reporter. The Court is not obligated to itself review these documents and create a separate and new record summarizing when that occurred. (See Cal. Rules of Ct., rule 10.500(e)(1)(B).) The Court otherwise does not administratively track this information. Certain information in these documents is exempt from production. (See Cal. Rules of Ct., rule 10.500 (f)(3), (5).)

- 3. Total number of court hearings that were conducted without a court-provided court reporter when a litigant had submitted a Jameson Request, broken down by quarter and by case type (if possible) as follows:
 - a. Domestic Violence cases
 - b. Civil Harassment cases
 - c. Elder Abuse cases
 - d. Termination of Parental Rights cases

- e. Guardianship and Conservatorship cases
- f. Custody and Visitation Family Law cases
- g. Other Family Law cases
- h. Other Unlimited Civil cases

The Court does not have specific administrative records tracking this data, nor can it obtain such records through inquiry into its case management database. The closest responsive judicial administrative records the Court can provide are the daily sheets assigning Court Reporters to the departments each day, which are produced herewith for the period requested. Handwritten notes therein may indicate a fee waiver and provision of a court reporter. The Court is not obligated to itself review these documents and create a separate and new record summarizing when that occurred. (See Cal. Rules of Ct., rule 10.500(e)(1)(B).) The Court otherwise does not administratively track this information. Certain information in these documents is exempt from production. (See Cal. Rules of Ct., rule 10.500 (f)(3), (5).) Information about specific hearings would primarily be found in case files, which are adjudicative records not subject to production response to this request.

- 4. Total number of court hearings that involved at least one fee waiver eligible litigant that were conducted without a court-provided court reporter, broken down by quarter and by case type (if possible) as follows:
 - a. Domestic Violence cases
 - b. Civil Harassment cases
 - c. Elder Abuse cases
 - d. Termination of Parental Rights cases
 - e. Guardianship and Conservatorship cases
 - f. Custody and Visitation Family Law cases
 - g. Other Family Law cases
 - h. Other Unlimited Civil cases

The Court does not have specific administrative records tracking this data, nor can it obtain such records through inquiry into its case management database. The closest responsive judicial administrative records the Court can provide are the daily sheets assigning Court Reporters to the departments each day, which are produced herewith for the period requested. Certain information in these documents is exempt from production. (See Cal. Rules of Ct., rule 10.500 (f)(3), (5).) The Court otherwise does not administratively track this information. Information about specific hearings would primarily be found in case files, which are adjudicative records not subject to production response to this request.

- 5. Total number of continuances in Unlimited civil cases, broken down by quarter and by case type (if possible) as follows:
 - a. Domestic Violence cases
 - b. Civil Harassment cases
 - c. Elder Abuse cases
 - d. Termination of Parental Rights cases
 - e. Guardianship and Conservatorship cases
 - f. Custody and Visitation Family Law cases
 - g. Other Family Law cases
 - h. Other Unlimited Civil cases

The Court has no responsive judicial administrative records. Continuances would be granted in individual cases. Such information be found in case files, which are adjudicative records not subject to production response to this request. The Court otherwise does not administratively track this information.

- 6. Total number of continuances in Unlimited civil cases that occurred because a Jameson Request was submitted but a court-provided court reporter was not available, broken down by quarter and by case type (if possible) as follows:
 - a. Domestic Violence cases
 - b. Civil Harassment cases
 - c. Elder Abuse cases
 - d. Termination of Parental Rights cases
 - e. Guardianship and Conservatorship cases
 - f. Custody and Visitation Family Law cases
 - g. Other Family Law cases
 - h. Other Unlimited Civil cases

The Court has no responsive judicial administrative records. Continuances would be granted in individual cases. Such information be found in case files, which are adjudicative records not subject to production response to this request. The Court otherwise does not administratively track this information.

7. All written policies, procedures, instructions, guidance, or direction provided to court staff and judicial officers regarding Jameson Requests, including but not limited to issuance of continuances when a Jameson Request cannot be satisfied.

The Court has judicial administrative records responsive to this request, consisting of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-

<u>courts.org/general/local-rules.aspx</u>. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx.

8. All written policies, procedures, instructions, guidance, or direction provided to the staff that run Contra Costa County Superior Court's Self-Help Centers and Clinics regarding Jameson Requests.

The Court has judicial administrative records responsive to this request, consisting of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc- courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/courtreporting-services.aspx. The Facilitator Office also uses Live Chat and has the following response within Live Chat that the office provides when asked about court reporters or fee waivers: "If you cannot afford the court filing fee or if you receive a qualifying form of public assistance, you can ask the court to allow you to open a case/file a motion at no cost or at a reduced cost. For more info, see https://www.courts.ca.gov/documents/fw001info.pdf. To get the forms, click here: https://www.courts.ca.gov/documents/fw001.pdf and https://www.courts.ca.gov/documents/fw003.pdf. If you would like a court reporter for your hearing, please submit form MC-30, Request for Court Reporting Services by a Party with Fee Waiver, https://www.cc-courts.org/docs/MC-30 Request Court Reporting Services By Party with Fee%20Waiver.pdf."

9. All written instructions, guidance or direction provided by Contra Costa County Superior Court's Self-Help Centers and Clinics to litigants that reference court reporters, including but not limited to information provided to litigants about Jameson Requests (e.g., how to complete the FW-020 and when to file it), and information about what may happen if a court reporter is not available on the date of the litigant's hearing or trial.

The Court has judicial administrative records responsive to this request, consisting of Local Rules 2.50 – 2.54 and Standing Order 4.3 (formerly 7.15). The Local Rules and Standing Orders are available at https://www.cc-courts.org/general/local-rules.aspx. The Court additionally provides a notice of availability of reporting services, form documents for private reporters, and other documents responsive to this question, at: https://www.cc-courts.org/civil/court-reporting-services.aspx. The Facilitator Office also uses Live Chat and has the following

Ellen Choi Katelyn Rowe August 23, 2024 p. 7

response within Live Chat that the office provides when asked about court reporters or fee waivers: "If you cannot afford the court filing fee or if you receive a qualifying form of public assistance, you can ask the court to allow you to open a case/file a motion at no cost or at a reduced cost. For more info, see

https://www.courts.ca.gov/documents/fw001info.pdf. To get the forms, click here: https://www.courts.ca.gov/documents/fw001.pdf and

https://www.courts.ca.gov/documents/fw003.pdf. If you would like a court reporter for your hearing, please submit form MC-30, Request for Court Reporting Services by a Party with Fee Waiver, https://www.cc-courts.org/docs/MC-

30 Request Court Reporting Services By Party with Fee%20Waiver.pdf."

10. As of June 30, 2024, the total number of courtrooms in Contra Costa County Superior Court.

While requests under Rule 10.500 ordinarily require only the production of documents, and understanding the Court has no obligation to provide narrative responses to requests now or in the future, the Court provides the following: There are 48 courtrooms.

11. As of June 30, 2024, the total number of courtrooms in Contra Costa County Superior Court that have been outfitted with electronic recording equipment.

While requests under Rule 10.500 ordinarily require only the production of documents, and understanding the Court has no obligation to provide narrative responses to requests now or in the future, the Court provides the following: 48 courtrooms have been outfitted with electronic recording equipment.

12. Total number of court hearings in Unlimited civil cases that have been recorded using electronic recording equipment, broken down by quarter and purpose.

While requests under Rule 10.500 ordinarily require only the production of documents, and understanding the Court has no obligation to provide narrative responses to requests now or in the future, the Court provides the following: To the best of the Court's knowledge, no such hearings have been electronically recorded as this is impermissible under the statute.

Ellen Choi Katelyn Rowe August 23, 2024 p. 8

Responsive judicial administrative records will be produced via email. Thank you for your interest in the work of the Court.

Sincerely,

Matt J. Malone

Chief Counsel and Public Information Officer

Encls. (via email)

EXHIBIT B

TO THE DECLARATION OF ELLEN Y. CHOI

The Superior Court of California

COUNTY OF SAN DIEGO EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY Executive Officer and Clerk Jury Commissioner Post Office Box 122724 San Diego, California 92112-2724 (619) 844-2500

August 9, 2024

Ellen Choi Covington & Burling LLP 415 Mission Street Suite 5400 San Francisco, CA 94105-2533

Re: Public Records Request 31July2024-151

Dear Ms. Choi:

This letter is the San Diego Superior Court's response to your July 31, 2024 request for records. Please note that the California Public Records Act ("CPRA"), cited in your request¹ does not apply to judicial entities, including the court. (See Gov. Code, § 7920.540; Cal. Const., art. VI, §§ 1, 4.) Notwithstanding, the Court has interpreted your request as invoking rule 10.500 of the California Rules of Court ("Rule 10.500"), also cited in your request, which is similar to the CPRA and applied to judicial administrative records.

The Court has carefully reviewed your requests and determined that the following exemptions, objections, and limitations apply:

Requests for adjudicative records: Rule 10.500 applies to judicial administrative records, not to adjudicative records. (Rule 10.500(a)(1).) A judicial administrative record is a "writing containing information relating to the conduct of the people's business that is prepared, owned, used, or retained by a judicial branch entity" (Rule 10.500(c)(2).) Judicial administrative records do "not include records of a personal nature that are not used in or do not relate to the people's business, such as personal notes, memoranda, electronic mail, calendar entries, and records of Internet use." (Ibid.) Adjudicative records include "any writing prepared for or filed or used in a court proceeding, the judicial deliberation process, or the assignment or reassignment of cases and justices, judges ... and subordinate judicial officers, or of counsel appointed or employed by the court." (Rule 10.500(c)(1).)

¹ Please note that the CPRA statutes have been reorganized and renumbered effective January 1, 2023, pursuant to the CPRA Recodification Act of 2021. Accordingly, the CPRA provisions are now found at Government Code section 7920.000 *et seq*.

Ellen Choi Covington & Burling LLP August 9, 2024 Page 2

No requirement to create records or compile data: A court is not required to create any record or to compile or assemble data in response to a request for judicial administrative records if that court does not compile or assemble the data in the requested form for its own use or for provision to other agencies. (Rule 10.500(e)(1)(B).)

Exempt, prohibited, or privileged documents: Rule 10.500 exempts from disclosure "[r]ecords whose disclosure is exempted or prohibited under state or federal law, including provisions of the California Evidence Code relating to privilege [including, but not limited to attorney-client privilege, official information privilege, and deliberative process privilege] or by court order in any court proceeding." (Rule 10.500(f)(5).)

<u>Deliberative-Process Privilege</u>: Rule 10.500 only applies to "nondeliberative" records. (Rule 10.500(a)(1).) Further, a record will be exempt from disclosure pursuant to the deliberative process privilege if making it public would "discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions." (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1341.)

Requests for Decision-Making Information: Rule 10.500(f)(11) exempts from disclosure "[r]ecords whose disclosure would disclose the judicial branch entity's or judicial branch personnel's decision-making process, provided that, on the facts of the specific request for records, the public interest served by nondisclosure clearly outweighs the public interest served by disclosure of the record."

<u>Public Interest Exemption</u>: Rule 10.500(f) (12) exempts records from disclosure "if, on the facts of the specific request for records, the public interest served by nondisclosure of the record clearly outweighs the public interest served by disclosure of the record." (See *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1338.)

Overbroad/unduly burdensome requests: Rule 10.500 is generally interpreted in the same manner as the terms of the CPRA. (Rule 10.500(d).) "The Public Records Act contemplates there will be some burden in complying with a records request, the only question being (in the case of nonexempt material) whether the burden is so onerous as to clearly outweigh the public interest in disclosure." (State Bd. Of Equalization v. Superior Court (1992) 10 Cal.App.4th 1177, 1190, fn. 14.) However, "[a] clearly framed request which requires an agency to search an enormous volume of data for a 'needle in a haystack' or, conversely, a request which compels the production of a huge volume of material may be objectionable as unduly burdensome." (California First Amendment Coalition v. Superior Court (1998) 67 Cal.App.4th 159, 166, citing American Civil Liberties Foundation v. Deukmejian (1982) 32 Cal.3d 440). Requests for public records must be "focused and specific." (Rogers v. Superior Court (1993) 19 Cal.App.4th 469, 480-481.)

Ellen Choi Covington & Burling LLP August 9, 2024 Page 3

Subject to and without waiving the foregoing exemptions, objections and limitations, the Court has carefully considered each of the items in your request and has made a reasonable effort to locate responsive non-exempt, non-adjudicative documents.

The Court does not have documents responsive to requests 1 through 6. The Court does not compile or assemble such information for its own use or for provision to other agencies, and the Court is not required to create records or compile data in response to a public records request.

With regard to requests 10 through 12, the Court has 171 courtrooms, 113 of which have electronic recording equipment. The Unlimited Civil Cases are not recorded by electronic recording equipment. (See Gov. Code, § 69957.)

Enclosed with this letter are the non-exempt, non-adjudicative documents the Court has located in response to requests 7 through 9.

Sincerely,

MICHAEL M. RODDY Executive Officer

Enclosures

TAB 6

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.

DECLARATION OF SARAH REISMAN IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION

- I, Sarah Reisman, declare as follows:
- 1. I make this declaration in support of Petitioners Family Violence Appellate Project ("FVAP") and Bay Area Legal Aid's Petition for Writ of Mandate and/or Prohibition in the above titled action. I have personal knowledge of the facts set forth in this declaration.
- 2. I am a member of the State Bar of California and Directing Attorney of Advocacy & Litigation at Community Legal Aid SoCal, co-counsel for FVAP.
- 3. On November 8, 2023, I emailed a letter, dated November 7, 2023, to The Honorable Samantha P. Jessner, The Honorable Sergio C. Tapia and David Slayton, Court Executive Officer, regarding the use of electronic recording to create an official verbatim record in family law proceedings. True and

correct copies of the email and the letter are attached hereto as **Exhibit A.**

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

Executed on November 26, 2024 in Los Angeles, California.

SARAH REISMAN

EXHIBIT A

TO THE DECLARATION OF SARAH REISMAN

Sarah Reisman

From: Sarah Reisman

Sent: Wednesday, November 8, 2023 9:03 AM

To: David Slayton; sjessner@lacourt.org; stapia@lacourt.org

Cc: PHernandez3@lacourt.org; Jennafer Wagner; Lou Egerton-Wiley; Katelyn Rowe

Subject: Court Reporter Shortage

Attachments: 2023 11 07 LASC Letter re CR Shortage [FINAL].pdf

Dear Judge Jessner, Judge Tapia, and Mr. Slayton:

Please find attached a letter sent on behalf of our client, Family Violence Appellate Project, regarding the use of electronic recording to create official verbatim records for indigent litigants in family law proceedings. We welcome the opportunity to meet with you and discuss this issue in greater depth.

Jennafer Wagener (cc'd here) and I plan to attend the upcoming SB 662 meeting on November 21, and would be available to meet regarding this letter on that day as well.

Sincerely, Sarah Reisman

Sarah Reisman | Directing Attorney of Advocacy & Litigation

Pronouns: she/her/hers - What's this?

Community Legal Aid SoCal

2101 North Tustin Ave., Santa Ana, CA 92705

Direct: 1 (714) 571-5271 | Santa Ana Office: 1 (714) 571-5200 | Fax: 1 (424) 452-1726





Community Legal Aid SoCal is honored to be the recipient of the State Bar of California's <u>Silver DEI</u> <u>Leadership Seal</u>.

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November 7, 2023

VIA EMAIL

The Honorable Samantha P. Jessner, Presiding Judge The Honorable Sergio C. Tapia, Assistant Presiding Judge David Slayton, Court Executive Officer/Clerk of Court Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012

Re: Use of electronic recording to create an official verbatim record in family law proceedings

Dear Judge Jessner, Judge Tapia, and Mr. Slayton:

This letter is sent on behalf of our client, Family Violence Appellate Project ("FVAP"). FVAP is dedicated to helping domestic violence survivors and their children appeal erroneous trial court decisions on their behalf, for free, in California. By working at the appellate level, each of FVAP's published cases helps not just one survivor, but also becomes binding legal precedent that helps countless other survivors.

Last year the Superior Courts of California sounded the alarm about the "chronic" court reporter shortage. In November 2022, FVAP joined a coalition of non-profit law firms and wrote to this Court to explain how the shortage would severely impact family law litigants who cannot afford to hire a private court reporter. The coalition outlined how *Jameson v. Desta* (2018) 5 Cal.5th 594, California statutes, court rules, and constitutional principles all require this Court to provide a court reporter—or other means of creating an official verbatim record—to fee waiver litigants upon request. The coalition collaborated with this Court to ensure its compliance with *Jameson* this year. However, FVAP is deeply concerned that this Court estimates "[n]o verbatim record will exist of some 300,000 proceedings held in Los Angeles Superior Court during 2023."

FVAP appreciates that this Court faces an unprecedented dilemma in triaging its court reporter staff across dozens of courtrooms. If this Court cannot provide free court reporters to indigent litigants, it will deprive those litigants of equal access to an official verbatim record. This would be a direct violation of this Court's obligations under *Jameson*. (*Jameson*, *supra*, 5 Cal.5th at 605-606.) The lack of a verbatim record will (1) undercut consistency in cases that last multiple

¹ Superior Courts of California Press Release, "There is a Court Reporter Shortage Crisis in California," (Nov. 2, 2022), available at https://tinyurl.com/4t6hm65f.

² The coalition of signatories also included Community Legal Aid SoCal, Legal Aid Foundation of Los Angeles, Harriet Buhai Center for Family Law, LevittQuinn Family Law Center, Neighborhood Legal Services of Los Angeles County, The Vora Law Firm P.C, and Western Center on Law & Poverty.

³ Maia Spoto, "Break the Law or Leave No Record, California Courts Face Dilemma," BLOOMBERG LAW (Sept. 22, 2023), available at https://news.bloomberglaw.com/litigation/break-the-law-or-leave-no-record-california-courts-face-dilemma.



years and have multiple judges, (2) undermine litigants' ability to know what happened at a hearing and what orders were issued, and (3) jeopardize litigants' ability to challenge erroneous orders on appeal. In fact, FVAP has seen first-hand how the "lack of a verbatim record ... will frequently be fatal to a litigant's ability to have [their] claims of trial court error resolved on the merits by an appellate court." (Jameson, supra, 5 Cal.5th at 608.)⁴ This deprives indigent litigants of "equal access to appellate justice in California." (*Id.*)

For these reasons, this Court must use electronic recording to create official verbatim records for indigent litigants in family law proceedings.⁵ FVAP appreciated Mr. Slayton's recent statements that "unless something changes," this Court may be forced to electronically record felony and juvenile cases at some point "in the next 18 months." But this Court also has an affirmative obligation to ensure equal access to justice for indigent litigants in family law cases. Therefore, if this Court cannot provide free court reporters to indigent litigants, it must use electronic recording—or else risk violating Jameson, in forma pauperis jurisprudence, and principles of due process and equal protection. This affirmative obligation supersedes conflicting statutory language that currently restricts the use of electronic recording.

I. Jameson and in forma pauperis jurisprudence

Jameson requires 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. at 599.) This holding was grounded in "the general teaching of prior California in forma pauperis judicial decisions and the public policy of facilitating equal access to the courts." (*Id.* [citing Gov't Code § 68630(a)].)

The Supreme Court in Jameson began its analysis with the "seminal" decision Martin v. Superior Court (1917) 176 Cal. 289. (Id. at 603-604.) Martin holds that California courts have the inherent power to (1) permit indigent litigants to bring civil actions under "in forma pauperis" status, and (2) exempt them from paying the "statutorily required filing fees." (Id. [citing Martin, supra, 176 Cal. at 293-296].) Critically, Martin explains that "only the plainest declaration of legislative intent" could be construed as an effort to curtail the courts' inherent power to do this, and there was "no expressed intent" in Martin. (Id. [citing Martin, supra, 176 Cal. at 297].) At issue in Martin were statutory provisions that were "general in their nature" and "[n]either individually nor collectively" indicated that "the design of the [L]egislature was to deny to the courts the exercise of their most just and most necessary inherent power." (Id. [citing Martin, supra, 176 Cal. at 297].)

⁴ The lack of an official verbatim record is detrimental on appeal because a "fundamental principle" of appellate procedure is that trial court judgments are "ordinarily presumed to be correct." (Jameson, supra, 5 Cal.5th at 608-609 [citations omitted].) The appellant carries "the burden of providing an adequate record," and failure to do so "requires that the issue be resolved against [them]." (Id. [citation omitted].)

⁵ This letter focuses on indigent litigants in family law proceedings, but the analysis outlined in this letter also applies to indigent litigants in all civil cases.

⁶ Maia Spoto, supra, at fn. 3.

The Supreme Court in *Jameson* then conducted an extensive survey of post-*Martin* in forma pauperis jurisprudence, from which it identified three guiding principles:

- First, "California courts ... have the inherent discretion to facilitate an indigent civil litigant's equal access to the judicial process even when the relevant statutory provisions that impose fees or other expenses do not themselves contain an exception for needy litigants." (*Id.* at 605.)
- Second, this inherent discretion "is not limited to excusing the payment of fees" and "extends ... to devising alternative procedures (e.g., additional methods of service or meaningful access) so that indigent litigants are not, as a practical matter, denied their day in court." (*Id.*)
- Finally, the "policy of affording indigent litigants meaningful access to the judicial process establishes restrictions ... upon potential barriers created by *legislatively* imposed fees or procedures." (*Id.* at 606.)

Following Jameson's reasoning, this Court must use electronic recording to resolve the accessto-justice gap created by the court reporter shortage. As explained further in Section III, the statute governing electronic recording—Government Code Section 69957—is a general rule that restricts the use of electronic recording and "do[es] not ... contain an exception for needy litigants." (Id. at 605-606.) Because of the court reporter shortage, Section 69957 is a "legislatively imposed ... procedure[]" that has become a "potential barrier[]" to indigent litigants receiving an official verbatim record. (Id.) Jameson and in forma pauperis jurisprudence require this Court to ensure indigent litigants are not deprived of equal access to justice because of their financial means. Therefore, this Court must exercise its inherent authority to carve out an exception to Section 69957 for indigent litigants, to ensure they are not denied equal access to an official verbatim record or denied "equal access to appellate justice in California." (*Id.* at 608-610 [collecting cases holding that lack of record is fatal for appellant].) Finally, electronic recording is a viable "alternative procedure[]" for creating an official verbatim record when free court reporters are unavailable. (Id. at 605-606.) If this Court uses electronic recording in family law proceedings, it will protect indigent litigants from being "denied their day in court" when they challenge trial court errors on appeal. (*Id.* at 605-606, 609-610.)

II. Roldan and its progeny

One of the primary in forma pauperis decisions that *Jameson* cited for support—*Roldan v. Callahan & Blaine* (2013) 219 Cal.App.4th 87—has generated a wealth of caselaw that dictates the circumstances under which trial courts *must* act contrary to statute to ensure indigent litigants are not deprived of equal access to justice. *Roldan* and its progeny collectively hold that indigent litigants must not be consigned to an arbitration process they cannot afford to pursue, even though mandatory statutory language requires them to participate in, and pay for, arbitration.



At issue in *Roldan* were several requirements in the Code of Civil Procedure related to arbitration. When a litigant petitions the trial court to compel arbitration, Section 1281.2 mandates that "the court *shall* order the [parties] to arbitrate the controversy." (Code Civ. Proc. § 1281.2 [emphasis added].) In addition, Section 1281.4 requires the trial court to stay litigation when there is an order compelling arbitration. (*Id.* at § 1281.4 [trial court "*shall* ... stay the action or proceeding"] [emphasis added].) Finally, Section 1284.2 requires litigants to split the costs of arbitration: "each party to the arbitration *shall* pay his pro rata share of the expenses and fees of the neutral arbitrator." (*Id.* at § 1284.2 [emphasis added].) There are no exceptions based on indigency for these statutory requirements. (See *id.* at § 1281.2, subd. (a)-(d); § 1281.4; § 1284.2; *Aronow v. Super. Ct.* (2022) 76 Cal. App. 5th 865, 875 [discussing Section 1281.4 and holding, "[n]either the statute nor the Law Revision Commission's recommendation addresses circumstances where, due to indigency, a party ... is unable to bear the cost of the arbitrator's fee."].)

Despite this mandatory language, the Court of Appeal in *Roldan* held that trial courts must relieve indigent litigants of their statutory obligation to pay arbitration costs. (*Roldan*, *supra*, 219 Cal.App.4th at 96.) There, the trial court compelled arbitration and denied the indigent plaintiffs' motion to compel defendants to advance the arbitration costs. (*Id.* at 89.) The Court of Appeal reversed and remanded, ordering the trial court to (1) determine if any plaintiffs were unable to pay their share of arbitration costs, and if so, (2) instruct defendants they have the choice of paying plaintiff's share, or waiving the right to arbitrate and allowing the case to proceed in court. (*Id.* at 89-90.) Despite Section 1284.2's plain language, the Court held that an indigent litigant should be "excused from the obligation to pay fees associated with arbitration. ... to rule otherwise might effectively deprive [plaintiffs] of access to any forum for resolution of their claims." (*Id.* at 95.) In its reasoning, the Court relied on *Martin* and "California's longstanding public policy of ensuring that all litigants have access to the justice system ... without regard to their financial means." (*Id.* at 94.) The Court also cited Government Code Section 68630 for support, which declares: "our legal system cannot provide 'equal justice under law' unless all persons have access to the courts without regard to their economic means." (*Id.*)

In so holding, *Roldan* declined to follow *MKJA*, *Inc. v. 123 Fit Franchising*, *LLC* (2011) 191 Cal.App.4th 643, in which another Division in the same District had reached the opposite conclusion. In *MKJA*, the trial court lifted a stay of litigation imposed under Section 1281.4 because the plaintiffs could not afford arbitration costs. (*MKJA*, *supra*, 191 Cal.App.4th at 647.) The Court of Appeal reversed, holding that the trial court's conduct—lifting a stay "merely because a party cannot afford" arbitration costs—would "directly and materially impede the arbitrator's jurisdiction, and would thus contravene the purpose of section 1281.4." (*Id.* at 657-661.) The Court conducted a statutory interpretation analysis of Section 1281.4, noting that when a trial court stays litigation and sends the parties to arbitrate, the litigation "sits in the twilight zone of abatement with the trial court retaining merely vestigial jurisdiction." (*Id.* at 657-658 [citation omitted].) Therefore, the trial court "clearly exceeded its jurisdiction" by lifting the stay. (*Id.* at 661-662 [quotations and citations omitted].)

In *Jameson*, the Supreme Court resolved this split when it relied on *Roldan*. (*Jameson*, *supra*, 5 Cal.5th at 621-623.) The Court determined that "*Roldan* reveal[s] a fundamental aspect of the



California in forma pauperis doctrine that is directly relevant to the issue presented" in *Jameson*. (*Id.*) Specifically, *Roldan* demonstrates that courts cannot consign indigent litigants "to a costly private alternative procedure that the litigant cannot afford and that effectively negates the purpose and benefit of in forma pauperis status." (*Id.*)

Since *Jameson*, appellate courts have followed *Roldan* and expanded upon its holding. (See *Hang v. RG Legacy I, LLC* (2023) 88 Cal.App.5th 1243, 1246, 1254; *Aronow, supra*, 76 Cal. App. 5th 865.) For example, in *Aronow v. Superior Ct.*, the Court of Appeal held that a trial court has jurisdiction to lift a litigation stay—even though it already compelled arbitration—if a party demonstrates financial inability to pay arbitration costs. (*Id.* at 870.) Critically, the Court explained that it "[found] more persuasive the Supreme Court's approval of the cases in which it and our sister courts *have not allowed* the absence of legislation or, occasionally, *contrary statutes to bar indigent litigants from pursuing their constitutional rights.*" (*Id.* at 881 [emphasis added] [citing *Jameson*, *supra*, 5 Cal. 5th at 605-606].)

For these reasons, *Roldan* and its progeny illustrate that trial courts must exercise their inherent authority to ensure indigent litigants are not deprived of equal access to justice—even if it means acting contrary to statutory mandates.

III. Use of electronic recording in family law courtrooms

The caselaw outlined above demonstrates that this Court must use electronic recording to create an official verbatim record for indigent litigants in family law courtrooms.

Jameson recognizes that court reporters are not the sole method of creating an official verbatim record. The Supreme 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." (Jameson, supra, 5 Cal.5th at 599.) The reference to "other valid means to create an official verbatim record" includes the use of electronic recording equipment.⁷ The California rules of court provide that an electronic recording can serve as an "official record of proceedings" for purposes of an appeal. (See Cal. Rules of Court 2.952.)⁸

This Court's use of electronic recording is governed by Government Code Section 69957, which provides that courts may electronically record proceedings when a court reporter is unavailable "in a limited civil case, or a misdemeanor or infraction case." (Gov't Code § 69957(a).) Section 69957 dictates that courts "shall not expend funds for or use electronic recording technology or

⁷ Jameson requires an "official verbatim record," which cannot be produced by methods such as a settled or agreed upon statement. (Jameson v. Desta (2018) 5 Cal.5th 594, n. 20 [concluding that "the potential availability of a settled or agreed statement does not eliminate the restriction of meaningful access caused by the policy" at issue].) This letter proposes electronic recording because it is a proven "reliable, cost-effective alternative to stenographic reporting." (See, e.g., Commission on the Future of California's Court System, 2017 REPORT TO THE CHIEF JUSTICE, p. 242-246 (2017), available at https://www.courts.ca.gov/documents/futures-commission-final-report.pdf.)

⁸ In addition, Government Code § 69957(a) provides that "A transcript derived from an electronic recording may be utilized whenever a transcript of court proceedings is required," which includes serving as an official record of proceedings for purposes of an appeal.



equipment ... to make the official record of an action or proceeding *in circumstances not authorized by this section*." (*Id.* [emphasis added].) Based on this plain language, trial courts cannot use electronic recording in family law proceedings. However, like the statutes involved in *Martin* and *Roldan*, Section 69957 is a general rule that does not address how the blanket restrictions on electronic recording would impact indigent litigants. The plain language does not contain an exception for indigent litigants who, without electronic recording, would otherwise be completely deprived of an official verbatim record.

In addition, the legislative history of Section 69957 shows that the Legislature did not address how this general rule would impact indigent litigants. We have conducted extensive research on the legislative history of Section 69957 and its prior version, Government Code Section 72194.5. None of the legislative materials available on Westlaw contain any reference to how Section 69957 impacts indigent litigants. When the Legislature amended Section 69957 in 2004 to restrict electronic recording, it did not demonstrate the "plainest declaration of legislative intent" to curtail trial courts from exercising their inherent authority to ensure indigent litigants have access to an official verbatim record via electronic recording. (*Martin, supra*, 176 Cal. at 297.)

If this Court cannot provide free court reporters, and it follows Section 69957's blanket restrictions, then indigent litigants will be denied equal access to an official verbatim record based solely on their financial means. This would violate this Court's affirmative obligations under *Jameson*. (*Jameson*, *supra*, 5 Cal.5th at 605-606.) Moreover, for indigent appellants, the lack of record "effectively deprives [them] of equal access to the appellate process that their in forma pauperis status was intended to afford." (*Id.* at 622.) This worst-case scenario would "raise grave issues of due process as well as equal protection in light of its disparate impact on litigants with limited financial means." (See *In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, n.3 ["Perhaps the time has come at last for California to ... permit parties to record proceedings electronically in lieu of the far less reliable method of human stenography and transcription."].)

For these reasons, this Court must use electronic recording to create official verbatim records for indigent litigants in family law proceedings. This Court must exercise its "inherent discretion to facilitate an indigent civil litigant's equal access to the judicial process." (Jameson, supra, 5 Cal.5th at 605.) As discussed in Section II above, California courts have exercised this inherent authority "even when the relevant statutory provisions ... do not themselves contain an exception for needy litigants." (Id.) Moreover, this Court's inherent authority "is not limited to excusing the payment of fees," but rather, it "extends as well to ... devising alternative procedures ... so that indigent litigants are not, as a practical matter, denied their day in court." (Id.) Here, this means using electronic recording—an alternative method of creating an official verbatim record—to ensure that indigent litigants are not deprived of equal access simply because they cannot afford a private court reporter. Finally, the in forma pauperis doctrine "establishes restrictions ... upon potential barriers created by *legislatively* imposed ... procedures." (*Id.* at 606.) This doctrine must be used to prevent Section 69957 from creating unforeseen barriers to indigent litigants accessing an official verbatim record. (Compare Aronow, supra, 76 Cal. App. 5th at 881 [explaining that Supreme Court and Courts of Appeals "have not allowed ... contrary statutes to bar indigent litigants from pursuing their constitutional rights."].)



* * *

We welcome the opportunity to meet with you to discuss this issue in greater depth. Please contact Sarah Reisman of Community Legal Aid SoCal at sreisman@clsocal.org or (714) 571-5271 with any questions, or to discuss this matter further. We look forward to your response.

Sincerely yours,

Sarah Reisman

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Community Legal Aid SoCal

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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.

PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT AND BAY AREA LEGAL AID'S APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 2 OF 6 - PAGES 191–442

Service on Attorney General required by Cal. Rules of Court, rule 8.29(c)

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Los Angeles, CA 90067.

On December 4, 2024, I served true copies of the following document described as:

PETITIONERS' APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION
VOLUME 2 OF 6 - PAGES 191–442

on the interested parties in this action as follows:

BY TRUEFILING: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx, with delivery fees paid and provided for, and addressed to the persons at the addresses listed in the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

BY EMAIL: I caused a copy of the document(s) to be sent to the persons at the e-mail addresses listed in the attached Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on December 4, 2024 at Los Angeles, California.

| Denis Listengourt | |
|-------------------|--|

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TAB 7

FILED

Superior Court of California County of Los Angeles

SEPTEMBER 5, 2024

David W. Slayton, Executive Officer/Clerk of Court By: R. Mina, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

GENERAL ORDER RE OPERATION OF
ELECTRONIC RECORDING EQUIPMENT FOR
SPECIFIED PROCEEDINGS INVOLVING
FUNDAMENTAL LIBERTY INTERESTS IN THE
ABSENCE OF AN AVAILABLE COURT REPORTER

GENERAL ORDER

INTRODUCTION

Just six years ago, our Supreme Court warned that "the absence of a court reporter at trial court proceedings and the resulting lack of a verbatim record of such proceedings will frequently be fatal to a litigant's ability to [appeal]." (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608 (*Jameson*).) The Supreme Court thereby invalidated a Superior Court's practice of requiring indigent parties to arrange and pay for a court reporter. (*Id.* at pp. 611, 623.) The *Jameson* decision was just one of many instances in which our Supreme Court, Court of Appeal, and Superior Courts have struck down or rejected laws, rules, doctrines, and policies that might "significantly chill [a] litigant's enjoyment of the fundamental protections of the right to appeal." (*Coleman v. Gulf Ins. Group* (1986) 41 Cal.3d 782, 797.) "The State of California is not constitutionally required to establish avenues of appellate review, 'but it is now fundamental that, once established, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.' [Citation.]" (*In re Arthur N.* (1974) 36 Cal.App.3d 935, 939.) This General Order, too, reflects the need for procedures that promote equal access to "the fundamental protections of the right to appeal."

The Los Angeles Superior Court ("LASC") can no longer reliably staff its courtrooms with court-employed certified shorthand reporters ("CSRs") because of a chronic shortage of CSRs available to be hired. Without a CSR, vast numbers of litigants are left without a verbatim transcript—or even

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any verbatim record—of what occurred in hearings that may have a profound impact on their rights and lives. In 2023 alone, our Court held more than 332,000 hearings for which there was no verbatim record of proceedings, with the parties' appellate rights accordingly limited. There have been hundreds of thousands more such hearings in 2024 to date. On average, each day, 1,571 hearings occur in our Court where the parties do not have access to a verbatim record. This is an emergency and a crisis. It should not be countenanced by any public official dedicated to securing justice, and access to justice, to the residents of Los Angeles County.

The shrinking of the number of CSRs available to be hired has been evident for years, drawing persistent warnings from leaders in the judiciary and legislature, as well as from access-to-justice non-profits and others. Slow growing as this crisis may have been, it nevertheless constitutes a major change from how courts have long operated. Until the CSR shortage of the past two decades, it could have been said that "in modern times there [was] a court reporter, who ma[de] a record of all the proceedings." (*In re Dolgin Eldert Corp.* (1972) 31 N.Y.2d 1, 5.) But that is no longer true for tens of thousands of participants in California's justice system. For those litigants today, even when their fundamental rights are at stake, *no one* makes a verbatim record of all the proceedings.

Under current law, the LASC is obligated to provide CSRs for certain criminal and juvenile proceedings, and for certain proceedings when requested by indigent litigants with an approved fee waiver. That obligation is not changed by the fact that the LASC has 125 CSR vacancies, a number that has not decreased for over a year despite the LASC's significant efforts to hire and retain CSRs. To provide coverage for criminal and juvenile proceedings, the LASC has been forced to remove CSRs from its family law, probate, and unlimited civil departments. In those departments, per Local Rule 2.21(d), the LASC has tried to provide CSRs on an ad hoc basis—by the hour, by the day, or for a given hearing upon special request by the judicial officer. But this stopgap measure has proven inadequate, and the LASC cannot maintain it going forward.

As a last resort to preserve the appellate rights of litigants and to carry out the LASC's "duty in the name of public policy to expeditiously process civil cases" (*Apollo v. Gyaami* (2008) 167

¹ These and other facts set forth in this order regarding the scope and scale of this crisis are explained in further detail and supported with documentation in the Declaration of Court Executive Officer and Clerk of Court David W. Slayton dated September 5, 2024.

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Cal.App.4th 1468, 1487 (*Apollo*)), this General Order permits individual judges of the LASC to authorize the electronic recording ("ER") of hearings at which fundamental rights are at stake. The LASC cannot achieve these important goals through settled or agreed statements, which rightly are understood to be "cumbersome and seldom used" options (Klatchko & Shatz, 1 Matthew Bender Practice Guide (2024) Cal. Civil Appeals and Writs 7.27), whose "inherent limitations usually make them inferior to a reporter's transcript." (Eisenberg et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 2023) ¶ 4:45a). As discussed below, these theoretical alternatives are not feasible given the vast number of hearings at issue. Moreover, "the potential availability of a settled or agreed statement does not eliminate the restriction of meaningful access caused by" a party's inability to secure a verbatim record. (*Jameson, supra*, 5 Cal.5th at p. 622, fn. 20.)

As explained below, the Legislature permits courts to use ER to create a verbatim record of proceedings in misdemeanor, infraction, and limited civil cases but has prohibited ER in any other case type. (Gov. Code, § 69957 (hereafter, "section 69957").) As a result, the LASC successfully used ER to create verbatim transcripts in those matters, permitting appellate review by the LASC's Appellate Division more than 500 times in 2023 without incident. At the LASC and across the state, this legislative experiment confirmed that ER is a reliable alternative when a CSR is not reasonably available. In 2023 and early 2024, members of the public, access-to-justice nonprofits, the Judicial Council of California, and lawyers for particularly affected litigants in family law implored the Legislature to amend section 69957 to permit ER in additional types of matters when a CSR is not available to address the shortage of CSRs. Despite widespread public support for this expansion, the Legislature did not act and has entered its final recess for the year before adjournment sine die.

Section 69957 may have initially been intended to ensure that litigants in areas other than misdemeanor, infraction, and limited civil cases had CSRs in lieu of ER. But where no CSR is reasonably available due to the CSR shortage, section 69957 does not provide litigants with a more reliable verbatim transcript, but effectively denies them any verbatim transcript at all—a denial that "will frequently be fatal to a litigant's ability to [appeal]." (*Jameson*, *supra*, 5 Cal.5th at p. 608.)

In such instances, section 69957 draws an indefensible distinction between misdemeanor, infraction, and limited civil hearings and all other hearings in family law, probate, and unlimited civil

cases (at which litigants may not use ER, even when no CSR is reasonably available). Indeed, the Court of Appeal has struck down such a distinction in the past, holding that where verbatim transcription is provided to felony defendants, "statutes, which permit the municipal court to deny defendants of misdemeanor criminal actions the availability of a phonographic reporter, or an electronic recording device, or some equivalent means of reasonably assuring an accurate verbatim account of the courtroom proceedings, fail to comport with constitutional principles of *due process* and *equal protection of the laws*." (See *In re Armstrong* (1981) 126 Cal.App.3d 565, 572-574 (*Armstrong*), original italics.) Here, section 69957 permits electronic transcription in many kinds of proceedings but forbids it in other proceedings that implicate constitutionally protected fundamental interests and liberty interests of the litigants. Where such fundamental rights and liberty interests are at stake, the denial of ER to litigants who cannot reasonably secure a CSR violates the constitutions of the United States and the State of California. This legislative discrimination is not narrowly tailored to meet a compelling state interest as required by a constitutionally mandated strict scrutiny analysis. Indeed, the Court seriously doubts that there is any valid justification for depriving litigants of a verbatim transcript when a ready technological means for providing one is available.

The appellate courts are "profoundly concerned about the due process implications of a proceeding in which the [trial] court, aware that no record will be made, incorporates within its ruling reasons that are not documented for the litigants or the reviewing court." (*Maxwell v. Dolezal* (2014) 231 Cal.App.4th 93, 100.) The LASC, too, is profoundly concerned about the possibility of the appellate courts reviewing decisions—or, worse, declining to review decisions—where the record is not adequately "documented for the litigants or the reviewing court." (*Ibid.*) Accordingly, to provide the judges of the LASC with the means to protect the ability of litigants to appeal where their fundamental rights are at issue and no CSR is reasonably available, the Court issues this General Order.

THE COURT'S EFFORTS TO HIRE AND RETAIN CSRs

It is the firm belief and policy of the LASC that the Court should make every effort to hire any qualified and available CSR as an employee of the Court to fill existing vacancies and capture verbatim records. If it could, the LASC would significantly increase the number of CSRs it employs. It has

attempted to do so, without success. The LASC's profound shortage of CSRs exists because there is, and has been, a chronic, growing shortage of available CSRs. The LASC cannot hire enough CSRs, because they do not exist to be hired. As a result, the LASC now has at least 125 CSR vacancies it has tried desperately to fill. This shortage has persisted for well over a year. Our Court is not alone in experiencing this emergency. It is a statewide phenomenon, well-documented by the Judicial Council of California, the Court Executive Officers of virtually every California county, and many of the Presiding Judges of those counties.

The LASC has undertaken in the last two fiscal years an unprecedented expenditure of effort and money to try to hire and retain CSRs. This has included extensive promotion of open positions and substantial signing and retention bonuses. But the LASC's efforts have been unsuccessful. While the LASC has been able to hire some new CSRs, the new hirings have not kept up with retirements. After all its efforts and the expenditure of well over thirteen million dollars in 2023 and 2024 on recruitment and retention of CSRs, the LASC had a net *reduction* of eleven CSRs and still has 125 CSR vacancies. Given the inability of even an eight-figure investment to increase the CSRs at the LASC, and the overall downward trend in the number of CSRs entering the profession, there is no reason to believe the shortage can be eliminated or sufficiently mitigated by hiring and retention efforts.

The LASC, together with the Presiding Judges and Court Executive Officers of many other counties—as well as representatives of the bar whose clients are most affected by the absence of a verbatim transcript—implored the California Legislature to take up legislation that could address this crisis. Leaders in the Legislature did propose such bills. For example, California State Senator Susan Rubio in 2023 introduced SB 662 which, if enacted, would have expanded the permitted use of ER from limited civil, misdemeanor and infraction matters under section 69957 to other proceedings, if and when a CSR was unavailable. But on January 18, 2024, the Legislature failed to advance SB 662. The LASC continued to urge the Legislature to take some action along the lines of SB 662, but on August 31, 2024, the Legislature recessed without doing so.²

² See Joint Rules, Rule 51(b)(3), Senate Concurrent Resolution No. 1 (2023-34 Reg. Sess.) regarding Legislature's "recess on September 1 until adjournment sine die on November 30." Pursuant to California Evidence Code section 452, subdivisions (a), (c), and (g), the Court takes judicial notice of Senator Rubio's introduction of SB 662 in 2023, the Legislature's failure to advance SB 662 on January 18, 2024, and its recess on August 31, 2024, without having taken further action on the bill.

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THE CONSTITUTIONAL CRISIS

A. The LASC's Mission

The Los Angeles Superior Court is dedicated to serving our community by providing equal access to justice through the fair, timely and efficient resolution of all cases. (See https://www.lacourt.org/generalinfo/aboutthecourt/gi_ac001.aspx.) This mission flows from the rights provided in the constitutions of the United States of America and the State of California, which all judicial officers swear to support and defend.

The Presiding Judge and Court Executive Officer of the LASC are aware that our Court's practical inability to provide CSRs, combined with section 69957's statutory prohibition against providing ER to many litigants, results in a profound denial of equal access to justice. In 2023 alone, the LASC held more than 332,000 hearings for which no verbatim record could be prepared. An additional 193,000 hearings with no verbatim record were held in the first six months of 2024. Many of those hearings involved the parties' fundamental rights and liberty interests. For those hoping to appeal an adverse ruling, the "lack of a verbatim record of such proceedings will frequently be fatal." (*Jameson*, *supra*, 5 Cal.5th at p. 608.)

Permitting impacted litigants recourse by providing access to ER where a CSR is not reasonably available would "eliminate the restriction o[n] meaningful access" to the appellate process. (*Jameson*, *supra*, 5 Cal.5th at p. 622, fn. 20.) As noted, the LASC successfully uses ER to create a verbatim record in infraction, criminal misdemeanors, and limited civil proceedings, thereby permitting appellate review in the LASC's Appellate Division more than 500 times per year. Unfortunately, outside of those kinds of proceedings, section 69957 denies impacted litigants recourse to ER even in hearings where their fundamental rights and liberty interests are at stake. This General Order confirms that judges in the LASC can—consistent with the mission of the LASC and the judges' oaths of office—authorize ER where such rights are at stake and no CSR is reasonably available.

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B. As a Practical Matter, Litigants Disfavored by Section 69957 Must Forgo a Verbatim Transcript When No CSR Is Reasonably Available

Litigants in matters where there is no court-provided CSR have two options for seeking a verbatim transcript, neither of which is reasonable in most cases—as the 525,000 hearings with no verbatim transcript in 2023 and the first half of 2024 confirm.

First, they may try to retain a private CSR to attend the court proceedings. But the Judicial Council has found that the same shortage of CSRs in the community has resulted in the per diem cost of retaining a private CSR, if one can be found, to be prohibitive to all but the wealthiest of litigants.³ Either because a party cannot afford a private CSR or simply because no private CSR can be secured, this option may not make a CSR reasonably available.

Second, one or both parties may ask the Court to continue the hearing to another day in the hope that the Court will be able to supply a CSR on a later date. Even if the judicial officer were willing to continue the proceeding, this option results in a pernicious delay in the administration of justice in cases where prompt court action is usually essential. This includes, for example, whether to impose or vacate a restraining order; whether to hold a litigant in contempt (for which speedy trial rules apply); whether to make orders concerning the custody and parental decision-making for minor children; or whether to impose—or eliminate the imposition of—a conservatorship upon a vulnerable adult. Continuances are not a practical or efficient option for litigants to obtain a verbatim transcript, considering the trial court's "duty in the name of public policy to expeditiously process civil cases" (*Apollo, supra*, 167 Cal.App.4th at p. 1487), the harm that could occur to parties from postponing a hearing, and the fact that there are likely to be *fewer*, not more, CSRs in the future.

As a result, litigants have no choice but to proceed without a verbatim transcript in hundreds of thousands of hearings where there is no court-employed CSR, the parties cannot reasonably provide their own privately hired CSR, and ER is not an option.

³ Pursuant to California Evidence Code section 452, subdivision (c), the Court takes judicial notice of the Legislative Analyst's Office's March 5, 2024, report to Senator Thomas Umberg, Chair of the Senate Judicial Committee, and the Judicial Council of California's January 2024 "Fact Sheet: Shortage of Certified Shorthand Reporters in California," attached to and incorporated in the Declaration of Court Executive Officer and Clerk of Court David W. Slayton as Exhibits 7 and 1, respectively.

C. The Consequence of Forgoing a Verbatim Transcript

As the leading treatise puts it, a verbatim "[t]ranscript may be essential for appellate review." (Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2024) ¶ 9:172.) The California Court of Appeal observed 20 years ago: "When practicing appellate law, there are at least three immutable rules: first, take great care to create a complete record; second, *if it's not in the record, it did not happen*; and third, when in doubt, refer back to rules one and two." (*Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 364, italics added.) Our Supreme Court approvingly quoted this guidance in *Jameson* as part of its explanation for why that "lack of a verbatim record of such 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." (*Jameson, supra*, 5 Cal.5th at pp. 608-609 & fn. 11.)

The Court of Appeal's decision in *In re Christina P*. (1985) 175 Cal.App.3d 115, is instructive on the duty to ensure a verbatim transcript when a hearing may be relevant to a subsequent appeal. "When counsel has reason to anticipate that what is said at a hearing may be pertinent to a subsequent appeal *he has a duty to insure that a court reporter is present*. [Citation.] Failure to attend to this duty can be tantamount to a waiver of the right to appeal." (*Id.* at p. 129, italics added.) "Where the matter is as grave as termination of parental rights and where the client is an indigent person entitled to a free transcript and a free lawyer on appeal, *there is no conceivable rational tactical purpose for trial counsel's failure to insure the attendance of a court reporter*." (*Id.* at pp. 129-130, italics added.) The loss of appellate rights "flowing from the absence of a transcript"—there, the "loss of the ability to show there [was] insufficient evidence to support the judgment"—is "the epitome of prejudice." (*Id.* at p. 130.)

The stern admonitions of *Jameson* and *In re Christina P*. are not one-off aberrations, but part of a decades-long chorus from jurists at all levels of the California court system. Trial judges and appellate justices alike have long understood that a verbatim transcript—not a post-hoc summary—is what "a complete record" ordinarily entails. (See *Jameson*, *supra*, 5 Cal.5th at p. 608-609 & fn. 11.) "As a general matter … the absence of a court reporter will significantly limit the issues that must be resolved on the merits on appeal." (*Id.* at p. 622, fn. 20.)

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For that reason, the Supreme Court rejected summaries in an order or a settled or agreed statement as a cure-all when a litigant is denied the opportunity to obtain a verbatim transcript. (Jameson, supra, 5 Cal.5th at p. 622, fn. 20.) To be sure, "some issues can be resolved on the clerk's transcript alone or by way of a settled or agreed statement" (ibid.), and the option of a settled statement "permit[s] parties to appeal without the expense and burden of preparation of a reporter's transcript" if they so elect (Randall v. Mousseau (2016) 2 Cal.App.5th 929, 935 (Randall)). "There is, however, generally no way to determine in advance what issues may arise or whether such an issue can be raised and decided on appeal absent a verbatim record of the trial court proceedings." (Jameson, at p. 622, fn. 20.) And even for issues that theoretically *could* be raised on a summary rather than a verbatim record, "where the parties are not in agreement, and the settled statement must depend upon fading memories or other uncertainties, it will ordinarily not suffice." (Armstrong, supra, 126 Cal.App.3d at p. 573; see also People v. Cervantes (2007) 150 Cal.App.4th 1117, 1121 (Cervantes).) Indeed, leading commentators have noted that "[i]t is unrealistic to expect litigants and judges to accurately recall what was said and decided days or even months after the relevant oral proceedings." (Grimes, et al., Navigating the New Settled Statement Procedures (2022) 33(2) Cal. Litig. 24 at p. 28 ["Grimes, Settled Statements"].) Thus, the ability to settle a statement will often depend upon "whether the trial court took 'detailed notes.'" (Cervantes, at p. 1121 [quoting In re Steven B. (1979) 25 Cal.3d 1, 8–9].) But because section 69957 forbids trial judges to use ER "for purposes of judicial notetaking," such detailed notes would either be "the notes of a court reporter who had reported the proceedings" (Jameson, at pp. 624-625) or quasi-stenographic notes somehow taken by the trial judge while trying to conduct the hearing.

To this longstanding appellate wisdom, trial judges can add further practical facts: trial judges, like trial counsel, generally cannot "determine in advance what issues may arise" (*Jameson*, *supra*, 5 Cal.5th at p. 622, fn. 20), so as to know that this is the moment in a hearing at which "detailed notes" should be taken (*Cervantes*, *supra*, 150 Cal.App.4th at p. 1121). And in contentious hearings, particularly those involving unrepresented litigants, judges must focus on their roles as referees and decision-makers and cannot serve as *de facto* CSRs. Unfortunately, such hearings—which constitute many of the 525,000 hearings for which no verbatim record was created in 2023 and the first half of

2024—are the ones in which litigants are least likely to be able to manage the complex process of creating a settled statement. Indeed, some may be restrained from having any communication with one another following the imposition of a domestic violence, workplace violence, elder abuse, or other restraining order.

Nor does the LASC's docket permit its trial courts to undertake the settled statement process or a detailed contemporaneous minute order for all of those hearings. "[T]rial courts have a duty in the name of public policy to expeditiously process civil cases." (*Apollo, supra*, 167 Cal.App.4th at p. 1487; *Smith v. Ogbuehi* (2019) 38 Cal.App.5th 453, 468-469.) Even where lawyers are involved, "the settled statement process may take up to three hours each day to complete." (Grimes, Settled Statements at p. 28 ["To avoid the difficulties of recalling events, some judges require counsel to remain in the courtroom each day until they agree on a settled statement for that day's proceedings. In such courtrooms, the settled statement process may take up to three hours each day to complete...."].) If a trial court attempted to create contemporaneous settled statements across the board, including with contentious, self-represented parties, the process would take far longer. For that reason, recourse to settled statements is "impractical for courts given the sheer volume of cases on their docket"; "settled statements are not the long-term answer" to the CSR shortage. (*Id.* at pp. 28-29.)

All of this means that even if our colleagues on the appellate bench viewed narrative summaries (in settled statements, agreed statements, or minute orders) as a fully adequate substitute for verbatim transcripts—which they explicitly do not—such summaries would still not solve the CSR shortage. Instead, by attempting to replace CSRs with trial judges, this "solution" would drain another limited resource, the bandwidth of Superior Courts, still without creating a verbatim transcript.

D. The Constitutional Rights at Issue and the Court's Duty to Protect Them

The judicial officers of the LASC have an obligation to follow the law. Wherever possible, that means applying the statutory law as enacted. But "it is the obligation of the trial and appellate courts to independently measure legislative enactments against the constitution and, in appropriate cases, to declare such enactments unconstitutional." (*People v. Superior Court (Mudge)* (1997) 54 Cal.App.4th 407, 411, as modified (May 9, 1997).) Similarly, "[c]ourts, as custodians of the judicial powers of

government, are not obliged to enforce a statute which ... arbitrarily deprives a litigant of his rights." (*People v. Murguia* (1936) 6 Cal.2d 190, 193.)

"Courts are not powerless to formulate rules of procedure where justice demands it.' [Citation.]" (*Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967, as modified on denial of reh'g (Oct. 22, 1997).) Indeed, "all courts have inherent supervisory or administrative powers which enable them to carry out their duties, and which exist apart from any statutory authority.' [Citation.]" (*Ibid.*) In particular, trial courts have "power over the record," which the Court of Appeal has made clear "must be exercised in a manner that does not interfere with the litigant's statutory right to appeal." (*Randall, supra*, 2 Cal.App.5th at p. 934.) That is so because once the State has established an avenue of appeal, it "must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.' [Citation.]" (*In re Arthur N., supra*, 36 Cal.App.3d at p. 939.)

This General Order reflects those considerations by recognizing that judicial officers may conclude they have the duty, given the particular facts of a case, not to enforce provisions of a statute—here, section 69957—where such enforcement constitutes such a constitutional violation.

In our family law courtrooms, proceedings involving judicial determinations of disputes concerning the status of the parties' marriage, the parentage rights and obligations relative to minor children, and custody determinations of minor children implicate fundamental due process liberty interests under both the California and United States constitutions. So, too, do certain conservatorship proceedings in our probate courtrooms and civil contempt hearings in our civil courtrooms. Judicial officers in our family law courtrooms also preside over all non-criminal restraining order applications which include domestic violence, elder abuse, civil harassment, workplace violence, gun violence, and transitional housing restraining orders. The imposition of such a restraining order may impinge upon a person's freedoms of expression and speech, free movement, and association, as well as the right to possess firearms and ammunition, all of which also implicate liberty interests under both the California and United States constitutions.

Where such fundamental rights and liberty interests are at issue, the need to preserve parties' appellate rights—and to have a complete record—is even greater. (See, e.g., *Armstrong*, *supra*, 126 Cal.App.3d at p. 569 [holding that for statutes governing parties' access to verbatim transcription,

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"where one's 'personal liberty is at stake,' a statutory scheme 'requires application of the strict scrutiny standard of equal protection analysis'"]; *People v. Serrano* (1973) 33 Cal.App.3d 331, 336 [noting that the Legislature's "deletion of such provision [for relief from a party's appellate default] cannot deprive the appellate courts of their inherent duty to protect constitutional rights"]; *People v. Tucker* (1964) 61 Cal.2d 828, 832 ["Doubts should be resolved in favor of the right to appeal."].) As the Court of Appeal explained in a case concerning the constitutionality of classifications impacting a statutory right to appeal, "[i]n cases touching upon fundamental interests of the individual, the state bears the burden of establishing not only that it has a *compelling* interest which justifies the suspect classification, but also that the distinctions drawn by the regulation are *necessary* to further its purpose. [Citation.]" (*In re Arthur N., supra*, 36 Cal.App.3d at p. 939, original italics.)

Based on these principles, this General Order confirms the discretion of judges of the LASC to authorize ER to preserve parties' right to appeal when their fundamental rights and liberty interests may be at stake in the hearing.

1. Constitutional Rights Relative to Appeal

Under the California Family Code, the California Probate Code and the California Code of Civil Procedure ("CCP"), parties possess *statutory* rights to appeal adjudication of family law, probate, and civil controversies. (See CCP § 902 ["Any party aggrieved may appeal in the cases prescribed in this title"]; CCP § 904.1, subds. (a)(1), (10), (14) ["An appeal ... may be taken ... [f]rom a judgment" or "an order made appealable by ... the Probate Code or the Family Code" or "a final order or judgment in a bifurcated proceeding regarding child custody or visitation rights"].) Likewise, under CCP section 904.1, parties have a right of appeal from a judgment of contempt.

Where a statutory right to appeal is afforded, the parties possess *constitutional* rights relative thereto. (See *In re Arthur N.*, *supra*, 36 Cal.App.3d at p. 939.) The state must not structure appellate rules so as to deny, based on unreasoned distinctions, some persons the appellate avenue available to others. (*Ibid.*)

The principle of an equal constitutional right to statutory appellate review is well established. In *Lindsey v. Normet* (1972) 405 U.S. 56, 77, the U.S. Supreme Court held that a state's law conditioning appeal in an eviction action upon the tenant posting a bond, with two sureties, in twice the

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amount of rent expected to accrue pending appeal, was invalid under the equal protection clause when no similar provision is applied to other cases. In *Griffin v. Illinois* (1956) 351 U.S. 12, the Supreme Court similarly held that criminal defendants' due process and equal protection rights were violated by an Illinois statute requiring them to pay a fee for a transcript of trial proceedings to permit appellate review. In the family law context, in *M.L.B v. S.L.J.* (1996) 519 U.S. 102, 124, the Supreme Court held that decrees forever terminating parenting rights are in the category of cases in which a state may not, consistent with the equal protection and due process clauses, "bolt the door to equal justice.' [Citation.]" Accordingly, Mississippi could not withhold from the appellant a "record of sufficient completeness" to permit proper appellate consideration of her claims. (*Id.* at p. 128.)

2. Fundamental Rights and Liberty Interests in Family Law Proceedings

The appellate review provided to parties in family law matters serves to protect fundamental rights and liberty interests protected under the due process clauses of the United States and California constitutions. Marriage and parenting are *fundamental* rights—rights that cannot be diminished or abrogated without a compelling state interest. At a minimum, parties' fundamental rights and liberty interests are at stake in judicial determinations concerning: (1) the status of their marriage, including its dissolution; (2) parentage rights and obligations; (3) the legal and physical custody of their children; and (4) civil restraining order proceedings.

As the U.S. Supreme Court explained over a century ago, "the individual has certain fundamental rights which must be respected," including "the right to marry, establish a home, and bring up children." (*Meyer v. Nebraska* (1923) 262 U.S. 390, 399, 401.) Five years after that decision, the Court struck down a law that required children to attend public school because it infringed on parents' custodial rights to educate their children as they please. (*Pierce v. Soc'y of Sisters* (1925) 268 U.S. 510, 534.) In the 1960s, the Court struck down a law banning interracial marriage because it violated the Constitution by infringing on the fundamental right to marry. (*Loving v. Virginia* (1967) 388 U.S. 1, 12.) A decade later, it struck down a law prohibiting marriage of individuals not current on child support payments because it, too, infringed upon the fundamental right to marry. (*Zablocki v. Redhail* (1978) 434 U.S. 374, 386.) More recently, the Supreme Court struck down limitations on same-sex marriages as unconstitutional. (*Obergefell v. Hodges* (2015) 576 U.S. 644, 666 ["Like choices concerning

contraception, family relationships, procreation, and childrearing, all of which are protected by the Constitution, decisions concerning marriage are among the most intimate that an individual can make."].)

The California Constitution similarly protects marriage and family rights. (See, e.g., *In re Marriage Cases* (2008) 43 Cal.4th 757, 809, superseded by const. amend. on other grounds as stated in *Hollingsworth v. Perry* (2013) 570 U.S. 693 [collecting marriage cases]; *In re Carmaleta B*. (1978) 21 Cal.3d 482, 489 [parenting]; *In re B.G.* (1974) 11 Cal.3d 679, 693-694 [parenting].) Encompassed within "a parent's liberty interest in the custody, care and nurture of a child is ... the 'right to determine with whom their children should associate.' [Citation.]" (*Herbst v. Swan* (2002) 102 Cal.App.4th 813, 819.)

Fundamental rights and liberty interests related to marriage and family have direct bearing on the judicial process, too. For instance, "due process does prohibit a State from denying, solely because of inability to pay, access to its courts to individuals who seek judicial dissolution of their marriages." (*Boddie v. Connecticut* (1971) 401 U.S. 371, 374.) Similarly, in *Little v. Streater* (1981) 452 U.S. 1, 13-17, the Court held that a state must pay for blood-grouping tests sought by an indigent defendant to enable him to contest a paternity suit.

Again, California precedent is similar—and directly addresses the need to ensure parents' appellate rights. In *In Re Rauch* (1951) 103 Cal.App.2d 690, the trial court declared a minor to be a ward of the Court and revoked the guardianship of the father. The father appealed, but his appeal was challenged on the ground he was not affected or aggrieved by the Court's order. To that, the Court of Appeal explained that "[u]nder the American way of life" a parent so affected is "entitled to be heard upon appeal":

To say that the father of a child is not "affected or aggrieved" by an order declaring such child a ward of the juvenile court is to do violence to the American philosophy and system of government, in which the alien philosophy that the child is the creature of the state finds no countenance. Under the American way of life, the child belongs to the family, and any judicial proceeding which seeks to impair or take away a father's parental authority is certainly litigation, in the subject matter of which such father is interested,

and, therefore, brings him within the fundamental rule of appellate jurisdiction that "under our decisions any person having an interest recognized by law in the subject matter of the judgment, which interest is injuriously affected by the judgment, is a party aggrieved and entitled to be heard upon appeal." [Citation.] (*Id.* at p. 694.)

Finally, in the LASC, the judicial officers in the Family Law Division are assigned all non-criminal restraining order ("RO") proceedings. These include domestic violence ROs, elder abuse ROs, civil harassment ROs, workplace violence ROs, gun violence ROs, and transitional housing ROs. A common feature of all such proceedings is that the orders of protection issued following the successful prosecution of a petition includes material impingements on freedom of speech, freedom of movement, freedom of association, and the right to possess firearms and ammunition. (See, e.g., *Molinaro v. Molinaro* (2019) 33 Cal.App.5th 824, 831-833 [striking portion of restraining order as violating appellant's freedom of speech]; cf. *People v. Sanchez* (2017) 18 Cal.App.5th 727, 756 [noting, in the anti-gang-injunction context, the importance of due process before a party is "subjected to an injunction with profound consequences for daily life, including family relationships, freedom of movement, and civic participation in the neighborhood in which he lives"].) Such orders clearly bear upon constitutional rights and liberties under the United States and California constitutions.

3. Fundamental Rights and Liberty Interests in Probate Proceedings

Fundamental liberty interests akin to those in a criminal context are also implicated in cases involving civil commitment and Lanterman-Petris-Short ("LPS") conservatorships in probate proceedings. (See, e.g., *People v. Dunley* (2016) 247 Cal.App.4th 1438, 1451 ["The California Supreme Court has long held that under California law, equal protection challenges to involuntary civil commitment schemes are reviewed under the strict scrutiny test because such schemes affect the committed person's fundamental interest in liberty."].) Recognizing that the "due process clause of the California Constitution requires that proof beyond a reasonable doubt and a unanimous jury verdict be applied to conservatorship proceedings under the LPS Act," the California Supreme Court outlined myriad ways in which gravely disabled conservatees' fundamental liberty interests could be impinged

in Conservatorship of Roulet (1979) 23 Cal.3d 219, 227 (Roulet).4

Matters in other conservatorship contexts under the Probate Code, not involving confinement, may also implicate fundamental rights. For example, in *Conservatorship in Wendland* (2001) 26 Cal.4th 519, 554, the Supreme Court recognized the conservatee's "fundamental rights to privacy and life" in a case involving a conservator's request to withdraw nutrition from a conscious conservatee. In addition, some guardianship proceedings are likely to implicate fundamental liberty interests when they involve custodial parental rights. (See *Santosky v. Kramer* (1982) 455 U.S. 745, 753 ["The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life."].)

Whether fundamental rights are implicated in a probate conservatorship or guardianship proceedings may be a fairly fact-specific inquiry requiring a case-by-case determination, but where such a determination is made, it weighs in favor of ensuring a verbatim record of proceedings.

4. Fundamental Rights and Liberty Interests in Civil Contempt Proceedings

Finally, judicial officers in the Family Law, Probate and Civil Divisions hear, from time to time, orders to show cause why a person should not be found in civil contempt for their willful failure to follow a lawful court order. A person's first conviction for such contempt exposes that person to criminal penalties, including fines of up to \$1,000 and incarceration of up to five days. (See CCP § 1218.) Penalties for subsequent convictions are increased. (See *ibid.*) Such orders likewise implicate constitutional rights and liberties.

⁴ "The gravely disabled person for whom a conservatorship has been established faces the loss of many other liberties in addition to the loss of his or her freedom from physical restraint. For example, the conservator is also given the powers granted to the guardian of an incompetent in chapters 7, 8 and 9 of division 4 of the Probate Code. (§ 5357; Prob. Code, § 1852.) These include: payment of the conservatee's debts and collection or discharge of debts owed the conservatee (Prob. Code, § 1501); management of the conservatee's estate, including sale or encumbrance of the conservatee's property (Prob. Code, §§ 1502, 1530); commencement, prosecution, and defense of actions for partition of the conservatee's property interests (Prob. Code, §§ 1506-1508); disposition of the conservatee's money or other property for court-approved compromises or judgments (Prob. Code, §§ 1510, 1530a); deposit of the conservatee's money in a bank, savings and loan institution, or credit union (Prob. Code, § 1513); the giving of proxies to vote shares of the conservatee's corporate stocks (Prob. Code, § 517); and the borrowing of money when it will benefit the conservatee (Prob. Code, § 1533). In addition, the Court may grant the conservator any or all of the powers specified in Probate Code section 1853.5 (See § 5357.)." (*Roulet, supra*, 23 Cal.3d at p. 227, footnote omitted.)

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The United States and California constitutions protect the fundamental rights and liberty interests at stake in marriage, dissolution of marriage, parentage rights and determinations, custody determinations, and restraining orders in the family court; specified conservatorship and guardianship proceedings in probate court; and civil contempt proceedings in family, probate, and civil court. When parties in such proceedings feel those constitutional rights have been violated, the California Legislature wisely gave them the ability to seek appellate review. The precedent of the California Supreme Court and Court of Appeal, as well as of the United States Supreme Court, teaches that the procedures for seeking that appellate review cannot draw impermissible distinctions between different classes of would-be appellants. Where underlying fundamental rights are at stake, procedures that limit appellate rights face strict scrutiny. Put otherwise, a procedural limit on the ability to appeal for some litigants and not others—such as a limit on the ability to secure a verbatim record of a trial proceeding to make an appeal meaningfully possible—must further a compelling governmental interest and must be narrowly tailored to achieve that interest.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1. California provides a statutory right of appeal in family law, probate, and civil proceedings.
- 2. Family law, probate, and civil litigants have fundamental interests protected by the due process clauses in court proceedings involving the status of their marriage, the parentage and custody of their children, certain conservatorship and guardianship matters, their rights under restraining orders, and civil contempt proceedings.
- 3. The absence of a verbatim record will frequently be fatal to litigants' ability to appeal from adverse decisions in such proceedings.
- 4. The LASC is unable to reliably supply a court-employed CSR to its family law, probate, or civil departments given the Court's shortage of court-employed CSRs and its legal obligation to provide court-employed CSRs in other matters.
- 5. The LASC has undertaken reasonable steps to attempt to retain and hire more CSRs, but those attempts have been unsuccessful and are likely to remain unsuccessful. The LASC has 125 CSR

- vacancies. There is no reason to believe that in the short or long run, the LASC will be able to hire sufficient CSRs to reliably staff its family law, probate, and civil departments. At present, they do not exist to be hired.
- California law, under section 69957, permits electronic recording of infraction, criminal
 misdemeanor, and limited civil matters for the purpose of creating a verbatim record of
 proceedings.
- 7. Pursuant to that statutory authorization, the LASC has a reasonable alternative method of permitting the creation of a verbatim record of proceedings via electronic recording technology in the absence of an available CSR.
- 8. More than 500 times in 2023, the judges in the LASC's Appellate Division successfully reviewed and decided appeals when ER was used to create a record of infraction, criminal misdemeanor, and limited civil matters for the purpose of creating a verbatim transcript.
- 9. In contrast to how it permits litigants to protect their appellate rights in infraction, criminal misdemeanor, and limited civil matters, section 69957 prohibits electronic recording of family law, probate, and civil matters, even those involving constitutionally protected fundamental rights and liberty interests.
- 10. As a consequence of the shortage of court-employed CSRs and the prohibition of section 69957, hundreds of thousands of family law, probate, and civil hearings occurred in the LASC in 2023 and 2024 for which no verbatim record of proceedings could be made. Hundreds of thousands more such hearings will likewise occur each year. As a result, the court reporter shortage has become an emergency and a crisis in appellate and, ultimately, constitutional rights.
- 11. The LASC, along with others, has unsuccessfully attempted to persuade the California Legislature to amend the law to ameliorate this crisis. The Legislature has now entered its final recess for the year prior to adjournment sine die without any steps to address the crisis.
- 12. As matters stand, when judges in the LASC enforce section 69957—such that there is no transcript available to vast numbers of family law, probate, and civil litigants when a court-employed CSR is not available for assignment to a family law, probate, and civil departments

in matters implicating constitutionally protected rights and liberty interests—they do so even though electronic recording technology is in place which could create a verbatim record.

- 13. The distinction section 69957 draws among classes of litigants can result in family law, probate, and civil litigants suffering actual and serious constitutional harms on account of this legislative discrimination. The discrimination in the law between circumstances in which electronic recording is permitted and prohibited does not pass constitutional muster under the applicable strict scrutiny standard. Indeed, the Court cannot see any legitimate reason—let alone a compelling reason—why the option of electronic recording is given to a party in a limited civil matter involving a small economic loss but denied to a woman seeking a restraining order against an abusive husband, a father facing the loss of custody over his child, a person with grave disabilities facing the imposition of a conservatorship, or a contemnor looking at jail time. If the reason is that it would be better to have CSRs prepare the transcripts of such hearings, section 69957 could be more narrowly tailored so that it does not deny those litigants a verbatim record when no CSR is reasonably available. It is apparent that there will be hearings in which enforcement of section 69957 will fail both aspects of strict scrutiny and might indeed fail even lower levels of scrutiny.
- 14. Instead of needlessly restricting the appellate rights of litigants in matters touching upon fundamental constitutional rights and liberty interests, the LASC has a reasonable alternative method of permitting the creation of a verbatim transcript of proceedings via electronic recording technology. In the absence of a reasonably available CSR which will ameliorate or eliminate the constitutional violations, the judges of the LASC should have the option to preserve and protect constitutional rights rather than limit and impinge upon them.

GENERAL ORDER

Accordingly, the Presiding Judge hereby ORDERS the Clerk of Court to direct Deputy Clerks to operate the electronic recording equipment in family law, probate and civil departments as directed by the judicial officer presiding in such department when that judicial officer finds that: (1) the proceeding concerns matters that implicate fundamental rights or liberty rights as described herein; (2)

one or more parties wishes to have the possibility of creating a verbatim transcript of the proceedings; (3) no official court-employed CSR is reasonably available to report the proceeding; (4) the party so requesting has been unable to secure the presence of a private CSR to report the proceeding because such CSR was not reasonably available or on account of that party's reasonable inability to pay; (5) the proceeding involves significant legal and/or factual issues such that a verbatim record is likely necessary to create a record of sufficient completeness; and (6) the proceeding should not, in the interests of justice, be further delayed. The Court may impose reasonable fees when such order is made.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL OTHERWISE ORDERED BY THE PRESIDING JUDGE.

Dated: September 5, 2024



Presiding Judge

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

GENERAL ORDER RE OPERATION OF
ELECTRONIC RECORDING EQUIPMENT FOR
SPECIFIED PROCEEDINGS INVOLVING
FUNDAMENTAL LIBERTY INTERESTS IN THE
ABSENCE OF AN AVAILABLE COURT REPORTER

DECLARATION OF COURT EXECUTIVE OFFICER AND CLERK OF COURT DAVID W. SLAYTON

- I, David W. Slayton, declare:
- 1. I am the Executive Officer/Clerk of Court and Jury Commissioner for the Superior Court for the County of Los Angeles ("LASC"), offices I have held since December 31, 2022. I served in the role of Advisor for the LASC from December 1 to December 30, 2022. I have personal knowledge of the facts contained in this declaration and would testify to them if called upon to do so.
- 2. Before joining the LASC, I was the Vice President for Court Consulting Services for the National Center for State Courts. Earlier still, I served as the Administrative Director of the Texas Office of Court Administration and Executive Director of the Texas Judicial Council from 2012 to 2021. The Administrative Director is appointed by the Texas Supreme Court and serves under the direction and supervision of the Chief Justice and the Supreme Court. The Texas Judicial Council is the policy-making body for the Texas Judicial Branch. I am a Past President of the National Association for Court Management. I am a Fellow of the Institute for Court Management. I received the 2008 Distinguished Service Award from the National Center for State Courts, the 2010 Robert O. Dawson Indigent Defense Distinguished Service Award from the Texas Indigent Defense Commission, and the 2020 Mary McQueen Leadership Award from the Conference of Chief Justices, Conference of State Court Administrators, National Association for Presiding Judges and Court

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Executive Officers, and the National Association for Court Management. I have served on the Board of Directors of the Conference of State Court Administrators. I am a graduate of Texas Tech University, where I received my baccalaureate degree, and Troy University, where I received my Master of Public Administration degree. I have worked in court administration and court operations in the state and federal courts for more than 25 years.

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THE CRISIS IN OUR COURT

- 3. The LASC is the largest unified trial court in the United States.¹ Its 582 judges and commissioners work in one of 36 courthouses within the Court's 12 judicial districts and are supported by 5,000 full-time Court employees. The Court's judicial officers hear every case type under California law—criminal, civil, family law, juvenile dependency, juvenile justice, probate, and mental health. Cases range from simple traffic infractions to murders; landlord/tenant disputes to multi-million-dollar lawsuits; child support enforcement to complicated divorce and custody proceedings; and guardianships to involuntary commitments.
- 4. The LASC can no longer reliably staff its trial departments with court-employed certified shorthand reporters ("CSRs") because of a chronic shortage of CSRs available to be hired. This phenomenon is not new. For many years, court executive officers and judicial branch leaders throughout the state (indeed, the nation) have watched and spoken out about the ever-decreasing number of CSRs available for employment, predicting the day when the situation would reach crisis proportion.
- 5. That day and that crisis have arrived in Los Angeles County. Under current law, the LASC is mandated to staff courtrooms with CSRs for certain criminal, juvenile justice, juvenile dependency, and other specified proceedings. The LASC is also mandated to provide a CSR, following the California Supreme Court's decision in *Jameson v. Desta* (2018) 5 Cal.5th 594 (*Jameson*), for certain proceedings when requested by indigent litigants with an approved fee waiver. At present, the LASC currently employs 328 CSRs, and it has 125 CSR vacancies despite our herculean efforts to hire and

¹ Los Angeles County is geographically one of the nation's largest counties covering 4,084 square miles and, with over 10,072,629 million residents, also one of its most populous.

retain CSRs. To comply with legal mandates that require CSRs in certain proceedings, the LASC has had to remove CSRs from its family law, probate and unlimited civil departments where CSRs are not legally mandated.

- 6. Thus, the crisis: in 2023, our Court held more than 332,000 hearings for which there was no verbatim record of proceedings whatsoever. That number has grown by more than 193,000 hearings through June 30, 2024, meaning that there has been a total of more than 525,000 hearings in the past eighteen months for which there is no verbatim record of those proceedings. Assuming the crisis has not worsened since the second quarter of 2024, an average of 1,571 hearings are now held at the Court each day in which litigants have no access to a verbatim record. In those proceedings, no CSR is present and applicable law prohibits electronic recording ("ER") to create a verbatim record. We can expect again, in the remainder of this year, and the years to follow, hundreds of thousands of hearings with no verbatim record. As a public officer dedicated to securing justice and access to justice for the residents of Los Angeles County, in my opinion, this crisis is intolerable.
- 7. The California Legislature promulgated a statute—Government Code section 69957—that permits courts to use ER to create a verbatim record of proceedings in misdemeanor, infraction, and limited civil cases but prohibits ER in any other case types. The LASC has installed ER equipment in all courtrooms where the verbatim record of proceedings is permitted by statute to be captured by ER.
- 8. Section 69957 also permits the use of ER for the purpose of monitoring the performance of "subordinate judicial officers"—namely court commissioners and court referees. The LASC has installed ER equipment in all, or substantially all, of its courtrooms for this purpose and is actively using ER to record proceedings for this purpose. Having such equipment enhances the LASC's flexibility in arranging for judicial officer coverage of a given court session. Thus, for example, if a family law judge is absent from the Court on a particular day, a court commissioner may be placed in that department to handle the Court's business that day. Another example occurs when court facilities are unavailable on account of an unexpected emergency, such as the flooding of our Compton Courthouse twice in one month earlier this year requiring that courthouse to be closed and cases and

judicial officers temporarily reassigned to other courthouses. Having ER equipment installed in courtrooms in other courthouses greatly enhanced our ability to continue operations smoothly.

THE LASC'S EFFORTS TO HIRE AND RETAIN CSRs

9. It is the LASC's belief and policy that the Court should make every effort to hire any qualified and available CSR as an employee of the Court to fill existing vacancies. To that end, LASC would like to employ more CSRs, not fewer. The LASC's 125 CSR vacancies exist notwithstanding available funding and the LASC's intentions and desires. The LASC maintains 125 CSR vacancies and would hire every qualified and willing applicant to fill those vacancies. The vacancies continue to exist because there is, and has been for many years, a chronic, growing shortage of CSRs available in the state and the nation. They do not exist to be hired and those currently employed represent a cohort at and approaching retirement. Specifically, as of January 2024, 72% of the LASC's CSRs met the minimum age and service eligibility requirements for their respective retirement plan. This phenomenon has been demonstrated and documented by the Judicial Council of California, the Court Executive Officers of virtually every California county, and many of the Presiding Judges of those counties.²

10. Nonetheless, over the last two years, the LASC has undertaken an unprecedented expenditure of effort and money to try to hire and retain CSRs. The LASC negotiated a side letter of understanding with the bargaining unit representing the court-employed CSRs in January 2023 to provide numerous retention and recruitment incentives. The LASC negotiated a more extensive set of retention and recruitment incentives in August 2023. This has included extensive promotion of open positions and very generous financial signing and retention bonuses.³ For example, the LASC currently offers a CSR signing bonus of \$50,000 paid over two years and a court reporter school loan forgiveness

² See Exhibit 1, Judicial Council materials, including Press Release dated November 2, 2022, entitled "There is a Court Reporter Shortage Crisis in California," and Judicial Council Fact Sheet: Shortage of Certified Shorthand Reporters in California, dated January 2024. This exhibit, as well as all those attached to and incorporated herein are genuine, true, and correct copies of the original documents maintained by the Court.

³ See Exhibit 2, LASC's materials regarding court reporter recruitment, including LASC Press Releases dated February 1, 2023, and September 5, 2023, and Various Job Postings. As the LASC's Executive Officer and Clerk of Court, I authorized the creation, publication, and distribution of these materials.

and equipment allowance of up to \$15,000 over two years; court employees who refer a CSR to be hired by LASC are offered a \$25,000 finder's fee. Existing CSRs receive up to \$15,000 in retention bonuses over two years and up to \$10,000 per year for CSRs with 25 years or more of service who agree to remain working at the Court for at least 12 months.

- 11. But the Court's efforts have been unsuccessful. While we were able to hire 19 CSRs between January 2023 and June 2024, our CSR census has not kept up with retirements—30 in total in that same time period. After all our efforts and the expenditure of well over *thirteen million dollars* in Fiscal Years 2022-2023 and 2023-2024 on recruitment and retention of CSRs, the LASC has a net reduction of eleven CSR positions, and *still* has 125 CSR vacancies.
- 12. Despite a significant budget reduction to the Court for Fiscal Years 2024-2025, the Court did not eliminate any CSR positions to absorb that budget reduction. Instead, the LASC negotiated a three-year memorandum of understanding with the bargaining unit representing the court-employed CSRs in January 2024 that implemented numerous changes, including, but not limited to:
 - 4% base salary increase effective January 16, 2024;
 - 3% base salary increase effective January 1, 2025;
 - 3% base salary increase effective January 1, 2026;
 - Placing all CSRs, regardless of their appointment status, at the top step of the pay scale;
 - \$2,000 one-time payment for all bargaining unit members on the payroll as of April 20, 2024; and
 - Base salary parity language should any AFSCME bargaining unit receive a higher total base salary increase for 2025 and 2026.⁴
- 13. The LASC also entered into a three-year contract with Quick Caption, Inc., in June 2022 for as-needed court reporting services ("pro tem court reporting services") that requires the firm to supply the Court with private-sector CSRs upon request. Even though the contract has been in place for over two years, the contractor has been unable to meet their obligation to supply CSRs to the Court.

⁴ See Exhibit 8, Memorandum of Understanding between the Superior Court of California, County of Los Angeles, and the Joint Council of the Los Angeles Court Reporters Association and Service Employees International Union, Local 721, CTW, CLC regarding the Los Angeles Superior Court Reporters Unit, dated January 16, 2024.

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14. In addition to trying to recruit CSRs externally, the Court has instituted and funded a CSR training program for existing court staff.⁵ This effort to establish our own pipeline of CSRs provides during-the-workday training at the Court's expense. The first cohort of 25 trainees in this program began their training program in July 2024 and are anticipated to sit for the CSR exam in the Fall of 2025.⁶ Having studied the reasons for these vacancies and having instituted multiple initiatives to recruit and retain CSRs, it is my opinion that this shortage will not materially lessen, let alone be eliminated.

15. In its research on this issue, the Judicial Council has found that the continuing shortage of CSRs in the community has also resulted in a significant increase in the per diem cost of retaining a private CSR. If one can be found, the cost of hiring a CSR is likely to be prohibitive to all but the wealthiest of litigants.⁷

THE PLEA TO THE LEGISLATURE TO ADDRESS THE CRISIS

16. In years past, and again in 2023 and throughout 2024, multiple presiding judges and court executive officers of the California Superior Court, the Judicial Council of California, bar groups representing lawyers for the particularly vulnerable litigants in family law proceedings, and members of the public implored the Legislature to amend section 69957 to permit ER in additional court departments to address this crisis. Those joining the Superior Court and Judicial Council of California in urging the Legislature to amend the law to permit ER to address the crisis through written or oral testimony included:

⁵ See Exhibit 3, LASC News Release, dated April 2, 2024, entitled "Superior Court of Los Angeles County Launches Internal Training Program to Expand Pipeline of Court Reporters and Court Interpreters." As the LASC's Executive Officer and Clerk of Court, I authorized the creation, publication, and distribution of this release.

⁶ An anticipated 500,000 hearings would be conducted without a verbatim record during the training period (assuming similar numbers of hearings without a verbatim record as the last full quarter).

⁷ See Exhibit 1, Judicial Council Fact Sheet: Shortage of Certified Shorthand Reporters in California, stating that the cost to hire a private reporter is "\$2,580/day for a deposition and \$3,300/day for a trial on average."

⁸ See Exhibit 4, Letters of Support for SB 662. As the LASC's Executive Officer and Clerk of Court, I co-authored the letters from the LASC and received the other letters from their senders.

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- Los Angeles County Bar Association
- California Lawyers Association
- Legal Aid Foundation of Los Angeles
- Public Counsel
- Bet Tzedek Legal Services
- Community Legal Aid SoCal
- Harriett Buhai Center for Family Law
- LevittQuinn Family Law Center
- Los Angeles Center for Law and
- Los Angeles Dependency Lawyers, Inc. and Dependency Legal Services of San Diego
- Asian Americans Advancing Justice Southern California (AJSOCAL)
- Consumer Attorneys Association of Los Angeles
- Association of Southern California Defense Counsel
- Mexican American Bar Association
- Women Lawyers Association of Los Angeles
- Asian Pacific American Bar Association of Los Angeles County
- Beverly Hills Bar Association
- Southern California Chinese Lawyers Association
- Korean American Bar Association of Southern California
- Japanese American Bar Association

- Arab American Lawyers Association of Southern California
- Irish American Bar Association Los Angeles
- Philippine American Bar Association
- Italian American Bar Association
- Black Women Lawyers Association of Los Angeles
- South Bay Bar Association
- Asian Pacific American Women Lawyers Association
- Latina Lawyers Bar Association
- A Window Between Worlds
- Advocates for Child Empowerment and Safety
- Asian Americans for Community Involvement
- Asian Women's Shelter
- Boucher LLP
- California Advocates for Nursing Home Reform
- California Defense Counsel
- California Judges Association
- California Partnership to End Domestic Violence
- California Protective Parents Association
- California Women's Law Center
- Central California Family Crisis Center, Inc.
- Centro Legal de la Raza
- Disability Rights California

- Disability Rights Education and Defense Fund
- Elder Law and Disability Rights Center
- Empower Yolo
- Family Violence Appellate Project
- Family Violence Law Center
- Healthy Alternatives to Violent Environments
- Impact Fund
- Inner City Law Center
- Legal Aid Association of California
- Legal Aid of Marin
- Legal Aid Society of San Diego
- Legal Assistance to the Elderly
- Legal Services for Prisoners with Children
- Legislative Coalition to Prevent Child Abuse
- Lumina Alliance
- McGeorge School of Law Community Legal Services
- Mothers of Lost Children
- National Health Law Program
- Neighborhood Legal Services of Los Angeles County
- Next Door Solutions to Domestic Violence
- One Justice
- The People Concern
- Western Center of Law & Poverty

17. In 2023, California State Senator Susan Rubio introduced SB 662 which, if enacted, would have expanded the permitted use of ER from limited civil, misdemeanor and infraction matters—again, now permitted by section 69957—to other proceedings if and when a court-employed CSR was unavailable. That bill would have authorized use of extant ER technology—already permitted in some courtrooms to create a verbatim record and already permitted in all courtrooms to monitor the performance of subordinate judicial officers—to create a verbatim record provided that no CSR was available. But on January 18, 2024, the California Legislature failed to advance SB 662. 10

18. On March 5, 2024, the California Legislative Analyst's Office produced a 23-page report to Senator Thomas Umberg, Chair of the Senate Judiciary Committee, examining "the current and

⁹ See Exhibit 5, text of SB 662.

¹⁰ See Exhibit 6, a news article from Law.com dated January 19, 2024, entitled "Bill to Allow Electronic Recording in Civil Cases Dies in California Legislature." I viewed this article online and caused a true and correct copy of it to be created as an exhibit on or around the date of this declaration.

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future availability of court reporters in the trial courts." Among the LAO's conclusions are: "records of court proceedings are important for Due Process"; the number of licensed court reporters has steadily declined since at least 2009; "many existing court reporters could be approaching retirement"; the "actual number of court reporters [is] less than [the] need identified by the Judicial Branch"; in a survey of trial courts, "nearly all trial courts... reported a marked increase in the number of court reporter FTE vacancies they are experiencing"; "departures [are] not offset despite increased hiring"; court reporter licensees have a "perception of higher compensation in [the] private sector" and a "perception of better working conditions in [the] private sector"; that 37% of the full-time equivalent court reporter positions needed statewide where electronic recording is not authorized, as estimated by the Judicial Branch, is not filled; and that "the Legislature will need to decide what methods of making an official record should be permissible. This includes whether a record can be made by electronic recording..."

19. The California Legislature entered its final recess before adjournment on August 31, 2024, without passing a bill that would permit the use of ER to capture the verbatim record when a court reporter is not available. The consequence of this inaction is that there is no legislative solution to address this crisis for the foreseeable future.

CONFRONTING THE CONSTITUTIONAL CRISIS

20. Each day, the judges and court staff of the LASC go to work in furtherance of our Court's mission statement, namely: *The Los Angeles Superior Court is dedicated to serving our community by providing equal access to justice through the fair, timely and efficient resolution of all cases.* Our judges' commitment to equal access to justice is encompassed within the sacred oaths each has taken to support and defend the Constitutions of the United States of America and the State of California. I have an obligation to provide sufficient staffing to permit judges on our Court to carry out their

¹¹ See Exhibit 7, California Legislative Analyst's Office Report to Senator Thomas J. Umberg regarding the current and future availability of court reporters, dated March 5, 2024.

¹² Pursuant to Rule 51(b)(3) of the Joint Rules of the Senate and Assembly for the 2023-24 Regular Session, "[t]he Legislature shall be in recess on September 1 until adjournment sine die on November 30." (Joint Rules, Rule 51(b)(3), Senate Concurrent Resolution No. 1 (2023-34 Reg. Sess.).)

constitutional obligations, and I am unable to do so with regard to providing CSRs to ensure that a verbatim record is captured in court proceedings. Our judges, and I, as Executive Officer, acknowledge that our Court's inability to provide CSRs and our inability to use ER as widely as necessary, on account of the provisions of section 69957, represent a profound denial of equal access to justice.

21. Yet while hundreds of thousands of hearings per year in our Court are now conducted with no verbatim record of proceedings, section 69957 currently permits ER in proceedings to create a verbatim record in infraction, criminal misdemeanors and limited civil proceedings. The LASC successfully uses transcripts derived from ER as the appellate record more than 500 times per year in the LASC's Appellate Division. Based on the number of appeals successfully handled by the Court's Appellate Division and the experience of the LASC in utilizing ER for that purpose, it is my opinion that ER-created transcripts allow for appellate review of a verbatim record.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed this 5th day of September 2024, at Los Angeles, California.

Executive Officer/Clerk of Court

EXHIBIT 1

FOR IMMEDIATE RELEASE

November 2, 2022



SUPERIOR COURTS OF CALIFORNIA

THERE IS A COURT REPORTER SHORTAGE CRISIS IN CALIFORNIA

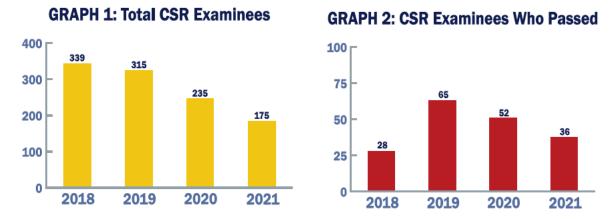
Each day across California, tens of thousands of court hearings are held. Lawyers argue, witnesses testify, litigants tell their stories and judges make decisions. What many people do not appreciate is the crucial role played by a court reporter: creating and preserving a verbatim record of those exchanges. As a chronic shortage of court reporters reaches crisis levels, the statutory framework for court reporting must adjust to the new realities of the reporting profession.

<u>THE PROBLEM</u>: There is a court reporter shortage in California – and across the nation – that has been long developing.

- In 2005, the Judicial Council warned that, "since the early 1990's, California's courts have experienced a steady decline in the number of available qualified shorthand reporters. [...] Additionally, the reduction of court reporting schools and curriculums in California over recent years complicates the courts' ability to attract sufficient numbers of well-trained reporters. [2005, Reporting of the Record Task Force, *Final Report*, p. 6.]
- Nationally, a 2013 study by the National Court Reporters Association projected that "Decreased enrollment and graduation rates for court reporters, combined with significant retirement rates, will create by 2018 a critical shortfall projected to represent nearly 5,500 court reporting positions." [Ducker Worldwide, 2013-2014: Court Reporting Industry Outlook Report, Executive Summary, p. 5.]
- In 2017, the Chief Justice's Futures Commission Final Report warned, "National data show the number of skilled court reporters is decreasing. Certified court reporting schools have experienced smaller enrollment and graduation rates, which are declining by an annual average of 7.3 percent[...]" [Report to the Chief Justice: Commission on the Future of California's Court System, p. 240.]
- In 2018, the Judicial Council wrote to the Legislature that, "the state would [...] have a gap of approximately 2,750 court reporters by 2023 if forecasted

demand remains constant." [March 29, 2018, letter from the Judicial Council to Hon. Lorena Gonzalez-Fletcher, Chair Assembly Appropriations Committee, re: Assembly Bill 2354.]

Today in California, only nine Certified Shorthand Reporter programs remain. In 2021, only 175 examinees took the licensing exam – and only 36 passed.



The result is a crisis in court reporter availability that has been developing for years.

THE SHORTAGE OF COURT REPORTERS IMPACTS LITIGANTS ACROSS CALIFORNIA:

In accordance with Penal Code § 190.9 and § 869, Code of Civil Procedure § 269 and Welfare and Institution Code § 347 and § 677, California courts must provide court reporters in felony criminal and dependency and delinquency juvenile courtrooms. Court reporters are not statutorily required to be provided by the courts in civil, family law, probate, misdemeanor criminal and traffic courtrooms.

And yet, many California courts do not have enough court reporters to cover mandated criminal felony matters – let alone the wide range of areas in which litigants need a record of court proceedings.

Over 50% of the California courts have reported that they are unable to routinely cover non-mandated case types including civil, family law and probate.

FUNDING IS NOT THE SOLUTION: There is no one to hire.

The Legislature provides \$30 million annually to the California courts to hire additional court reporters, with a focus on family law and civil courtrooms. However, because of the decline in court reporters, the crisis continues.

COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page **3** of **6**

Today 71 percent of the state's 58 trial courts are actively recruiting for court reporters: Alameda; Butte; Contra Costa; Del Norte; El Dorado; Fresno; Humboldt; Imperial; Kern; Lake; Los Angeles; Madera; Marin; Merced; Monterey; Nevada; Orange; Placer; Riverside; Sacramento; San Benito; San Bernardino; San Diego; San Francisco, San Joaquin; San Luis Obispo; San Mateo; Santa Barbara; Santa Clara; Santa Cruz; Shasta; Siskiyou; Solano; Sonoma; Stanislaus; Tehama; Tulare; Tuolumne; Ventura; Yolo; and Yuba.

THE CURRENT STATUTORY FRAMEWORK INHIBITS CREATIVE RESPONSES TO THE SHORTAGE OF COURT REPORTERS:

With the exception of limited civil, misdemeanor and infraction cases, Government Code § 69957 prohibits the courts from providing electronic recording in civil, family law and probate courtrooms.

Government Code § 69959 and Code of Civil Procedure § 367.75(d)(2)(A) mandate court reporters to be present in the courtrooms – rather than taking advantage of emerging technologies that would allow the court to provide this service remotely to multiple courtrooms throughout the county, providing more services with existing resources while making the profession more attractive to young, potential court reporters.

Government Code § 69942 requires all court reporters who work in a court to be certified in California which restricts courts from hiring out-of-state independent firms to provide this service.

CONCLUSION: More funding is not the solution.

We stand with our court reporters in recognizing and appreciating their value and service to the California judicial branch but we must acknowledge that we are facing a California – and national – court reporter shortage.

This shortage will not be solved by increased funding. Without changes to the current statutory framework for court reporting, all courts will face the inevitable day, already seen by a few California courts, of not having enough court reporters to cover the mandated felony criminal and juvenile dependency and delinquency cases.

Every litigant in California should have access to the record. Ideally, this would be provided by a court reporter but when none are available, other options need to be available to the courts. We are ready, able and willing to work with all stakeholders on finding ways to ensure that all litigants who need a record have access to one.

ADDITIONAL RESOURCES:

- U.S. Legal Support, *Understanding the National Court Reporter Shortage and What it Means for Your Firm*, [https://www.uslegalsupport.com/court-reporting/understanding-the-national-court-reporter-shortage-and-what-it-means-for-your-firm/]
- Ducker Worldwide, Court Reporting Industry Outlook Report (2013 2014)
 [https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14_ncra_-industry_outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2_0]
- Commission on the Future of California's Court System, Report to the Chief Justice, 2017, [https://www.courts.ca.gov/documents/futures-commission-final-report.pdf]
- California Trial Court Consortium, The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond, 2022, [https://www.siskiyou.courts.ca.gov/system/files?file=court-reportershortage-1-2022.pdf]

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COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page 6 of 6

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Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024

Background

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits.1 The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required and electronic recording is not authorized. Parties may arrange for the services of a court reporter in other case types. However, a declining number of court reporters threatens access to justice for court users, especially Californians who can't afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements,5 it is estimated that California courts may need up to an additional 650 full-time court reporters. In addition to court reporters employed by the courts, courts also contract with pro tempore⁷ reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.8

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.9 However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%. 10 Potential indicators that the decline will continue include:

Challenging pathway to licensure: Thirty-five new licenses were issued statewide in 2021–22. 11,12 Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers. 13

¹ Jameson v. Desta (2018) 5 Cal.5th 594, 622.

² Felony and juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁴ Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

⁵ Covering all case types where a court reporter is required or electronic recording is not authorized.

^{6 &}quot;Need" is calculated by applying the Resource Assessment Study estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, www.courts.ca.gov/29305.htm.

⁷ Refers to an individual who is retained by the court on an intermittent or contractual basis.

⁸ Court Reporter Recruitment, Retention, and Attrition dashboard, <u>www.courts.ca.gov/76328.htm</u>.

⁹ Court Reporters Board: December 13, 2023, Board Meeting Packet, www.courtreportersboard.ca.gov/about-us/20231213_packet.pdf.

¹⁰ Department of Consumer Affairs data portal, www.dca.ca.gov/data/annual_license_stats.shtml.

 $^{^{12}}$ Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010), www.courtreportersboard.ca.gov/applicants/school_info.shtml. However, students may also qualify for California's Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing. 0248

¹³ Court Reporters Board, School Examination Statistics, <u>www.courtreportersboard.ca.gov/applicants/examstats.shtml</u>.

Fact Sheet: Shortage of Certified Shorthand Reporters in California



January 2024

 Court reporters likely nearing retirement: The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 as of December 31, 2022. ¹⁴ In California, approximately 44.9% of all active licenses were issued at least 30 years ago. ¹⁵

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940. This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average. Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%. In FY 2022–23, California courts spent \$22.6 million on transcripts.

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more. For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter. The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection. California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.

¹⁴ National Court Reporters Association, <u>www.ncra.org/home/about-ncra/NCRA-Statistics</u>.

¹⁵ Department of Consumer Affairs, Licensee List (as of Nov. 2023), www.dca.ca.gov/consumers/public_info/index.shtml.

¹⁶ Median value of estimated salary and benefit costs statewide by the filled court reporter FTEs.

¹⁷ Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

¹⁸ Sen. Bill 170 (Stats. 2021. ch. 240).

 $^{^{19}}$ $\overline{2022-23}$ Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

²⁰ Court Reporter Recruitment, Retention, and Attrition dashboard, www.courts.ca.gov/76328.htm.

²¹ Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types or in the aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings (or vice versa), that case type data was removed from the data set.

²² Jameson, supra, 5 Cal.5th at 608, fn. 1.

²³ In re Armstrong (1981) 126 Cal.App.3d 565; March v. Municipal Court (1972) 7 Cal.3d 422.

²⁴ People v. Jones (1981) 125 Cal.App.3d 298; People v. Apalatequi (1978) 82 Cal.App.3d 970; see Pen. Code, § 1181(9).

EXHIBIT 2

Superior Court of California, County of Los Angeles Media Relations 111 N. Hill St. Room 107.

NEWS RELEASE

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FOR IMMEDIATE RELEASE: February 1, 2023

NATION'S LARGEST TRIAL COURT OFFERS SUBSTANTIAL INCENTIVES TO RETAIN AND RECRUIT OFFICIAL COURT REPORTERS AMID STAFFING SHORTAGE

<u>Signing Bonus, Finder's Fees, Student Loan Assistance Among</u> <u>Solutions Made Possible by State Funding</u>

The Court is prioritizing solutions to recruit, retain and reward official court reporters with the help of nearly \$10 million in state funding to address a critical staffing shortage, Presiding Judge Samantha P. Jessner and Executive Officer/Clerk of Court David W. Slayton announced today.

As a result of a nationwide court reporter shortage, recently the Court was required to shift court reporter coverage from family law, probate and matters assigned to the writs and receiver departments to criminal felony and juvenile proceedings to ensure that court reporters are able to cover these statutorily mandated case types. The additional resources provided by Governor Gavin Newsom and the Legislature will provide much-needed funding to enhance and accelerate recruiting and retention efforts.

"Official court reporters are valued members of the court family and play a unique and critical role in providing meaningful access to justice by preparing the verbatim record of proceedings," Presiding Judge Jessner said. "I want to thank Governor Newsom and lawmakers for providing this funding to increase the availability of official court reporters in family, probate and civil law cases, as well as the court reporters who suggested many of these solutions."

"After collaborative discussions with labor representatives, the Court is pleased to offer new

COURT REPORTER INCENTIVES 2-2-2-2

substantial incentives in addition to our already extensive efforts over the past few years to address the court reporter shortage in Los Angeles County" Slayton said. "Together we are seeking ways to address an intractable court reporter crisis in California and across the nation that threatens every litigant's right to a verbatim record of the proceedings."

"Joint Council has worked with Court Management in coming to an agreement on effectively recruiting and retaining court reporters," Los Angeles County Court Reporters Association (LACCRA) President Cindy Tachell said. "We are very excited to put legislative funding to use and look forward to welcoming new and returning licensed court reporters to our ranks."

The Joint Council is made up of Service Employees International Union (SEIU) Local 721 - Court Reporters Unit and LACCRA.

The Court will offer these incentives and benefits to the SEIU, Local 721 – Court Reporters Union:

Increased Signing Bonus for Newly Hired Official Court Reporters

• \$20,000 total over two years. This incentive is retroactive to all new court reporters with a start date on or after July 1, 2022.

Court Reporter School Student Loan Forgiveness

• Up to \$27,500 total over four years. This incentive is retroactive to all new court reporters with a start date on or after July 1, 2022.

Retention Bonus for Current Full-time Court Reporters

- \$2,500 if a current full-time court reporter is still employed as of May 1, 2023.
- \$5,000 if a current full-time court reporter is still employed as of May 1, 2024.
- \$10,000 if a current full-time court reporter is still employed as of May 1, 2025.

Retention Bonus for Court Reporters with 25 Years or More of Service

- \$2,500 payment at end of every quarter if reporter agrees to stay for at least 12 months.
- Bonus remains available quarterly going forward.

Finder's Fee for Court Employees who Refer Official Court Reporters to the Court

• \$15,000 total incrementally ending on court reporter's one-year hiring anniversary.

COURT REPORTER INCENTIVES 3-3-3-3

In addition, the Court will bolster its advertising and recruitment efforts with a renewed push for high-profile advertising of the court reporting profession and these new incentives and benefits.

The Court also agreed to increase the starting salary for new court reporters from \$108,460 annually + benefits to \$114,502 annually + benefits and ensure existing court reporters are placed on the top salary step (\$117,649 + benefits annually).

The inability to obtain a verbatim record limits the ability for litigants to seek counsel and advice after a decision has been made. Furthermore, it deprives a litigant the ability to meaningfully preserve critical rights on appeal. Finally, it creates even greater challenges in memorializing the court's ruling in a proposed judgment and ensuring that the judgment is enforceable. The Court is concerned about continuing shortages in the number of official court reporters available to cover court hearings, but the Court is hopeful that these efforts will expand its ability to provide court reporters in family, probate and civil law cases.

In LA County, the number of court reporters leaving court service continues to significantly outpace the number of new court reporters entering court service. Despite concerted efforts to recruit court reporters, the Court has struggled to fill vacancies due to a lack of available certified shorthand reporters (CSRs) in California. In 2022, 43 court reporters left court service. During this time, the Court was able to hire only 10 court reporters. The Court currently has 99 CSR vacancies it is seeking to fill.

"We are optimistic that these efforts to offer substantial incentives to attract new court reporters and retain our highly trained and valuable corps of official court reporters will help address the shortage," Slayton said. "At this point, using all means necessary to provide every litigant in California with access to the verbatim record of a proceeding, especially in case types that so significantly impact the lives of the people the justice system serves, must be our focus. It is our intention to do so. These recruitment and retention efforts will go a long way in ensuring litigants have access to a verbatim record and to justice."

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Superior Court of California, County of Los Angeles Media Relations 111 N. HILSL. Room 107.

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FOR IMMEDIATE RELEASE: September 5, 2023

NATION'S LARGEST TRIAL COURT EXPANDS UNPRECEDENTED RECRUITMENT AND RETENTION CAMPAIGN TO ADDRESS CHRONIC COURT REPORTER SHORTAGE

<u>Significant Increase in Incentives, Targeted Recruitment Marketing Campaign</u>

<u>Designed to Entice Court Reporters to Join the Superior Court of LA County</u>

The Court is building on its comprehensive efforts to address a chronic shortage of court reporters with a significant increase in retention and recruitment incentives <u>first announced in February</u> and the expansion of targeted recruitment efforts to help fill vacant positions, Presiding Judge Samantha P. Jessner and Executive Officer/Clerk of Court David W. Slayton announced today.

The substantially increased incentives, including over \$70,000 in potential bonuses for new hires, are intended to address the ongoing detrimental impacts of a nationwide court reporter shortage crisis, which recently required a shift in court reporter coverage at the Court from family law, probate and matters assigned to the writs and receiver departments to criminal felony and juvenile proceedings to ensure court reporters can cover those statutorily mandated case types. The increased incentives were negotiated and agreed upon by the Joint Council, which comprises Service Employees International Union Local 721 and the Los Angeles County Court Reporters Association.

-MORE-

INCREASED COURT REPORTER INCENTIVES

2-2-2-2

"As a result of the chronic shortage of court reporters, thousands of litigants are denied meaningful access to justice every day in Los Angeles County, leaving their proceedings with no verbatim record of what transpired and putting them at a significant disadvantage," said Presiding Judge Jessner. "This is a constitutional crisis. These increased incentives and high-profile recruitment efforts demonstrate the Court's determination to address this crisis by attracting and recruiting qualified court reporters to work in our court system."

The increased incentives and recruitment advertising, all paid for with funding provided by Governor Gavin Newsom and the Legislature, reflect the Court's commitment to utilizing bold solutions to address the current court reporter shortage crisis. The crisis disproportionately impacts low income and self-represented litigants who cannot afford to hire private court reporting services, which can cost upwards of \$5,000 a day, and those who do not wish to continue their hearings until the Court can provide a court reporter from its limited pool of available court-employed court reporters.

"The Court is committed to spending the funding the Governor and Legislature allocated for the purpose of recruiting and retaining court reporters," Executive Officer/Clerk of Court Slayton said. "We remain hopeful these increased incentives and our ongoing high-profile advertising efforts will help alleviate this significant access to justice issue by promoting the court reporter profession and showcasing the Court as a preferred employer for both court reporters just entering the profession or court reporters currently employed in the private market."

INCREASED RETENTION AND RECRUITMENT INCENTIVES:

Effective immediately, the Court will offer the following incentives and benefits to recruit and retain court reporters:

Increased Signing Bonus for Newly Hired Official Court Reporters

• \$50,000 total, increased from \$20,000 total, over two years, retroactive to new court reporters with a start date on or after July 1, 2023.

Court Reporter School Student Loan and Equipment Allowance

• Up to \$15,000 total over two years. This incentive is retroactive to all new court reporters with a start date on or after July 1, 2023.

INCREASED COURT REPORTER INCENTIVES

3-3-3-3

Retention Bonus for Current Full-time Court Reporters

- \$5,000 if employed as a full-time court reporter as of January 31, 2023, and remain employed as of May 1, 2024.
- \$5,000 if employed as a full-time court reporter as of June 30, 2023, and remain employed as of May 1, 2024.
- \$10,000 if employed as a full-time court reporter as of January 31, 2023, and remain employed as of May 1, 2025.
- \$10,000 if hired as a full-time court reporter between February 1 and June 30, 2023, and remain employed as of May 1, 2025.

Retention Bonus for Court Reporters with 25 Years or More of Service

 Retroactive to July 1, 2023, up to \$10,000 for court reporters who submit the required Agreement Form within 45 days of being eligible and agree to remain working at the Court for at least 12 months.

Finder's Fee for Court Employees who Refer Official Court Reporters to the Court

• \$25,000 total, increased from \$15,000 total, incrementally ending on court reporter's oneyear hiring anniversary.

Floater Bonus

 Court Reporters actively working and assigned to the Floater Pool (not assigned to a courtroom and designated as a Regional Assigned Floater) will receive a 5% per pay period bonus.

In addition, the starting annual salary for a court reporter currently stands at \$120,888.

HIGH-PROFILE ADVERTISING:

The Court placed recruitment advertisements in the Los Angeles Times, the San Diego Union-Tribune and USA TODAY in March. This summer, the Court also placed court reporter recruitment advertisements on Metro Buses across Los Angeles County and on billboards on the side of the 110 Freeway just outside of Downtown Los Angeles. Similar advertisements were

INCREASED COURT REPORTER INCENTIVES

4-4-4-4

placed in select LA Metro transit shelters, and the Court continues to aggressively recruit via job posting sites such as LinkedIn and NeoGov.

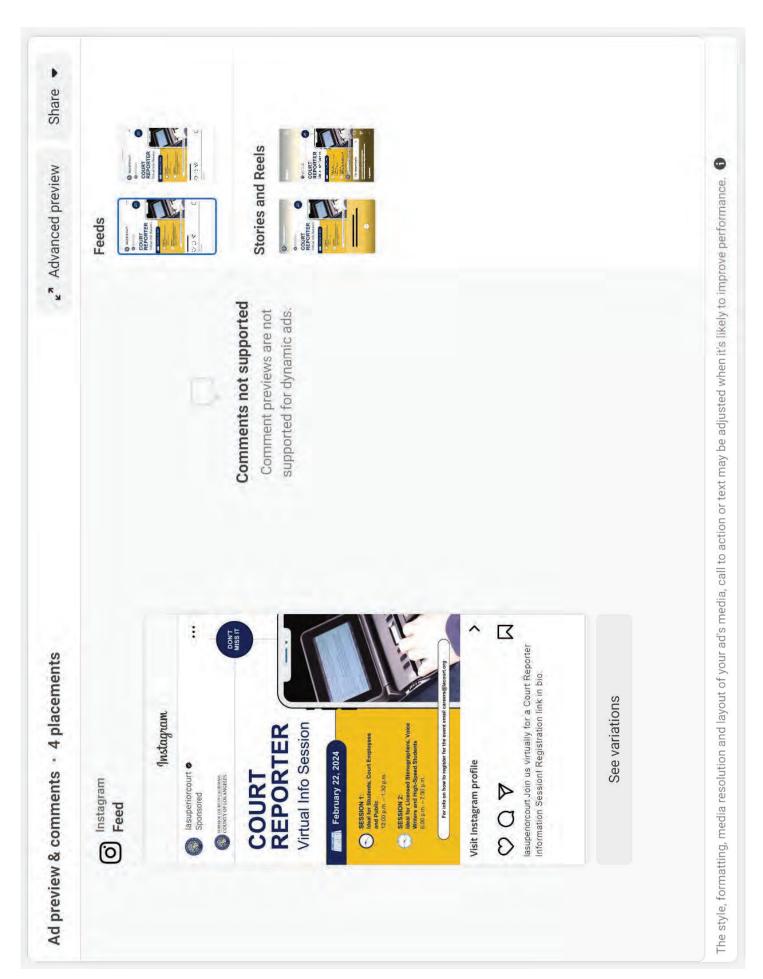
The inability to obtain a verbatim record limits the ability for litigants to seek counsel and advice after a decision is made and deprives litigants the ability to meaningfully preserve critical rights on appeal. It also creates challenges in memorializing the court's ruling in a proposed judgment and ensuring that the judgment is enforceable.

Due to the ongoing chronic shortage of court reporters coupled with statutory restrictions on electronic recording, more than 52,000 court proceedings took place in LA County in January and February of this year alone with no verbatim record at all. If the crisis persists, the Court estimates roughly 300,000 proceedings will take place in 2023 without any verbatim record.

Despite the robust set of incentives first announced in February and generous salary and benefits packages, vacancies for court reporters have remained relatively unchanged, with the number of court reporters leaving court service continuing to outpace the number of new court reporters entering court service.

Those interested in joining the court reporting profession in California can learn more about the process via the Court Reporter Board of California's Informational Flyer, <u>accessed here</u>. Qualified court reporters interested in working for the Court can <u>apply here</u>.

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Open to Machine Stenographers and Voice Writers

Compensation:

- \$120,888 Starting Salary (plus generous benefits package)
 - 5.5% Realtime Certification Bonus

New Hire Incentives*:

- \$50,000 Signing Bonus for Newly Hired Official Court Reporters (over two years)
 - Up to \$15,000 Student Loan and Equipment Allowance (over two years)
 - 5% Court Reporter Floater Bonus Per Pay Period

Incentives are limited. Be among the first 20 to apply!

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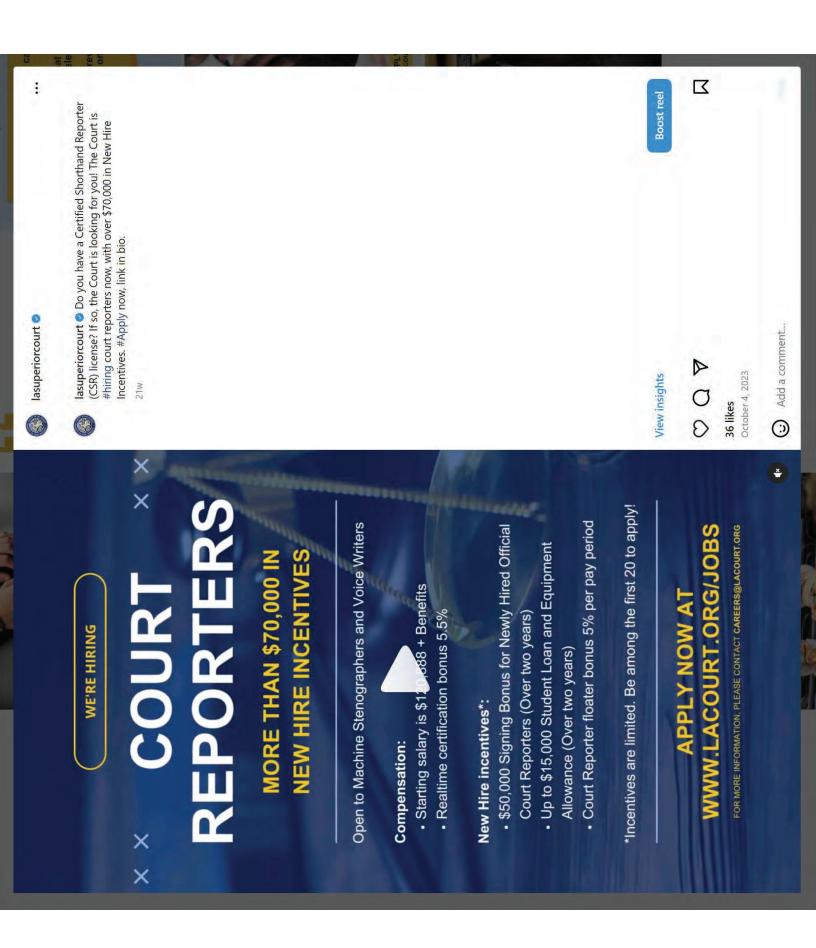
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MORE THAN \$70,000 IN NEW HIRE INCENTIVES

Open to Machine Stenographers and Voice Writers

Compensation:

- Starting salary is \$120,888 + Benefits
- Realtime certification bonus 5.5%

New Hire incentives*:

- \$50,000 Signing Bonus for Newly Hired Official Court
- Up to \$15,000 Student Loan and Equipment Allowance (Over two years)

Reporters (Over two years)

Court Reporter floater bonus 5% per pay period

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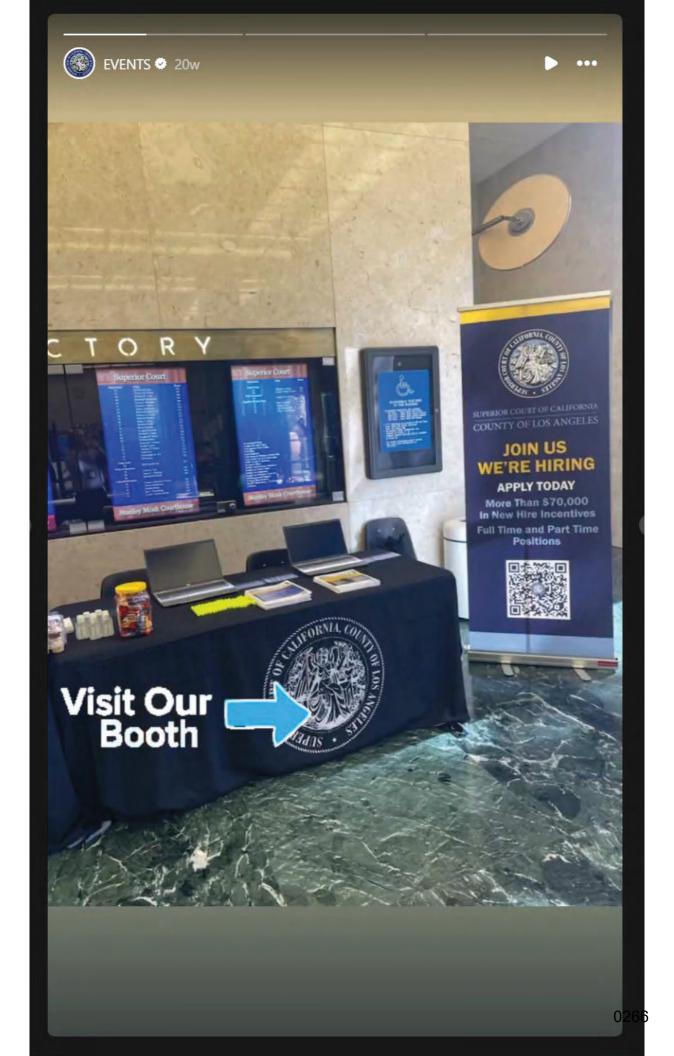




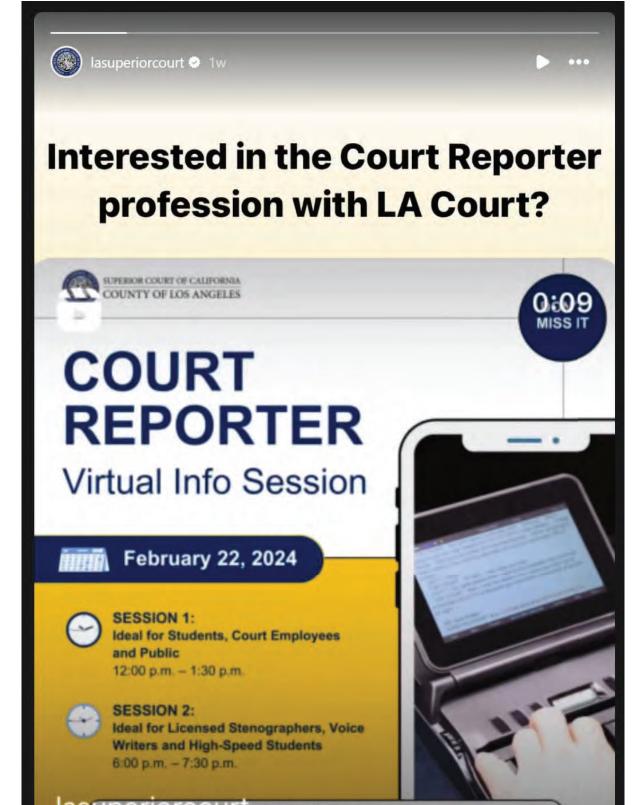
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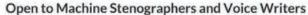
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MORE THAN \$70,000 IN NEW HIRE INCENTIVES



Compensation:

- \$120,888 Starting Salary (plus generous benefits package)
- . 5.5% Realtime Certification Bonus

New Hire Incentives*:

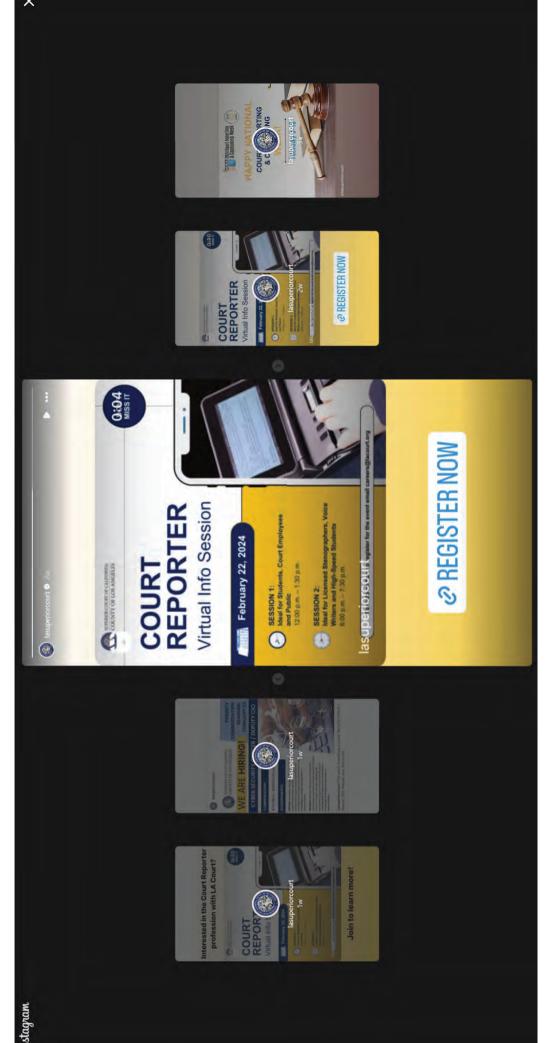
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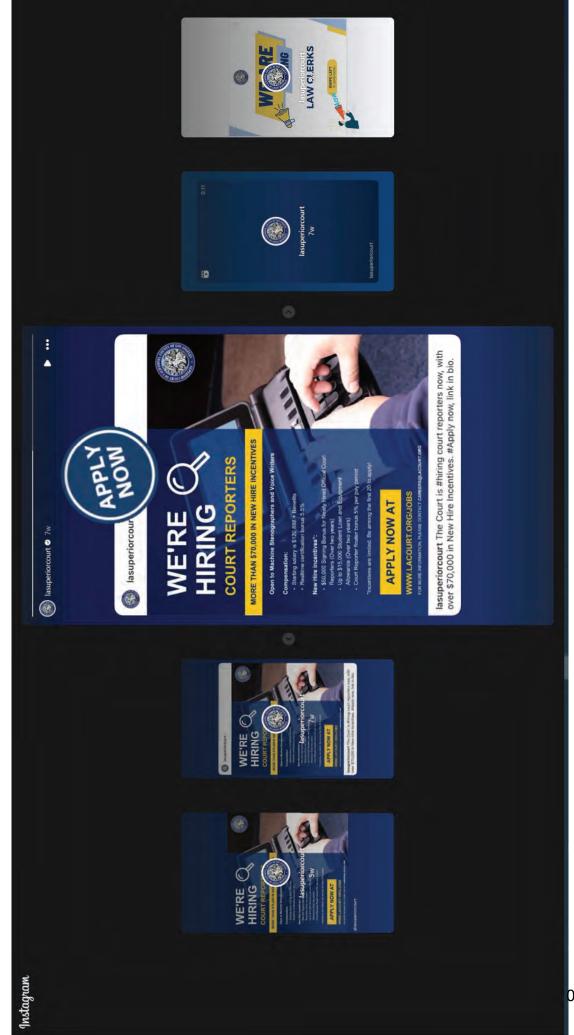
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REPORTER COURT

Info Session



August 8, 2024

Join us for an engaging afternoon with our experienced Court Reporters, learn about employment with the LA Superior Court, and connect with fellow professionals.



TIME

3:30 p.m. - 6:00 p.m.

LOCATION

Stanley Mosk Courthouse Los Angeles, CA 90012 111 North Hill Street

Light refreshments will be served. Registration is required by 8/05/2024. Space is limited.











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jxio.24 Any word on when another event such as this will be held?

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srtarose #CourtReporters #courtreporting #steno #voicewriters

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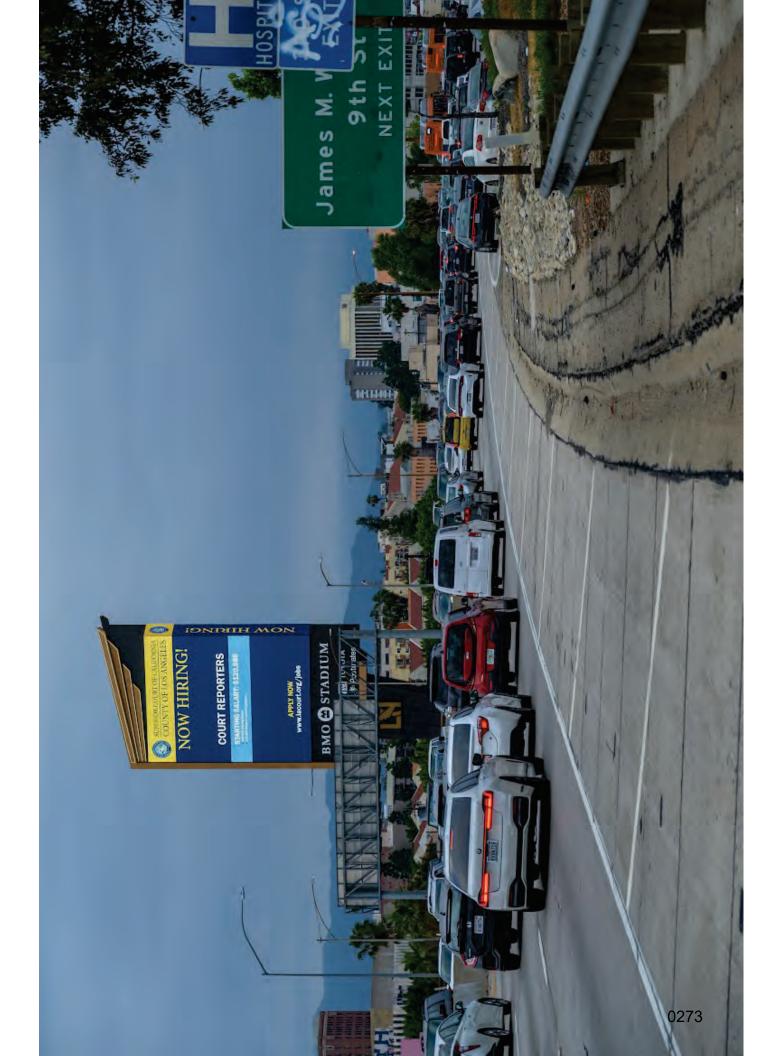


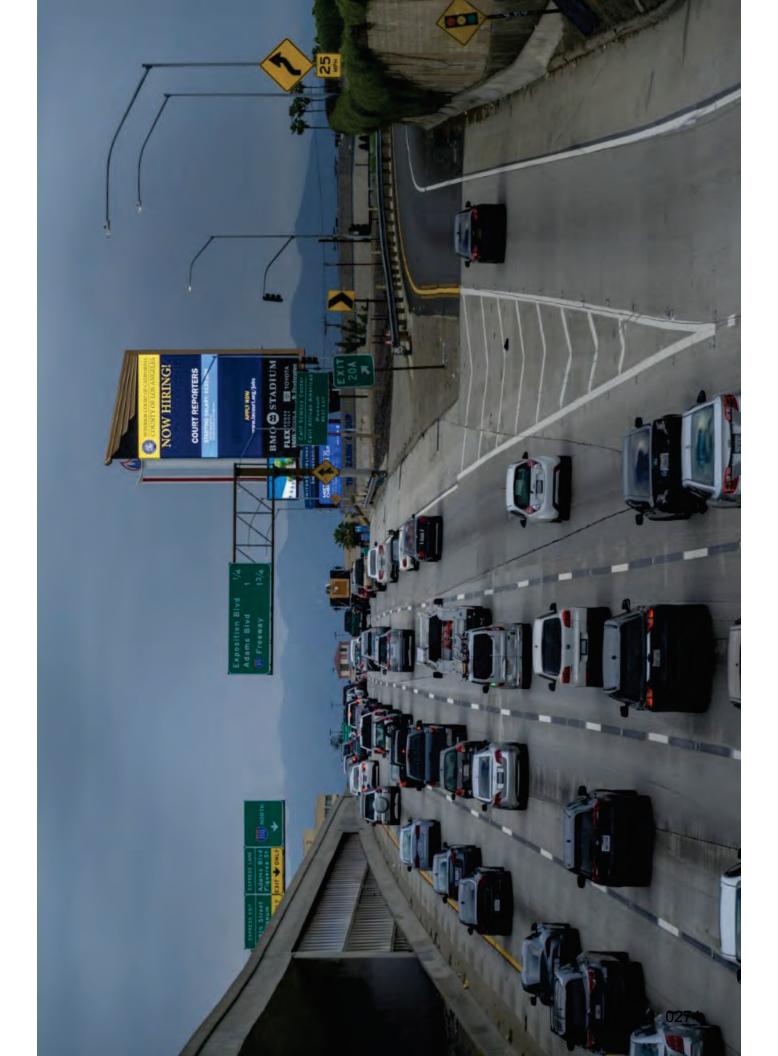
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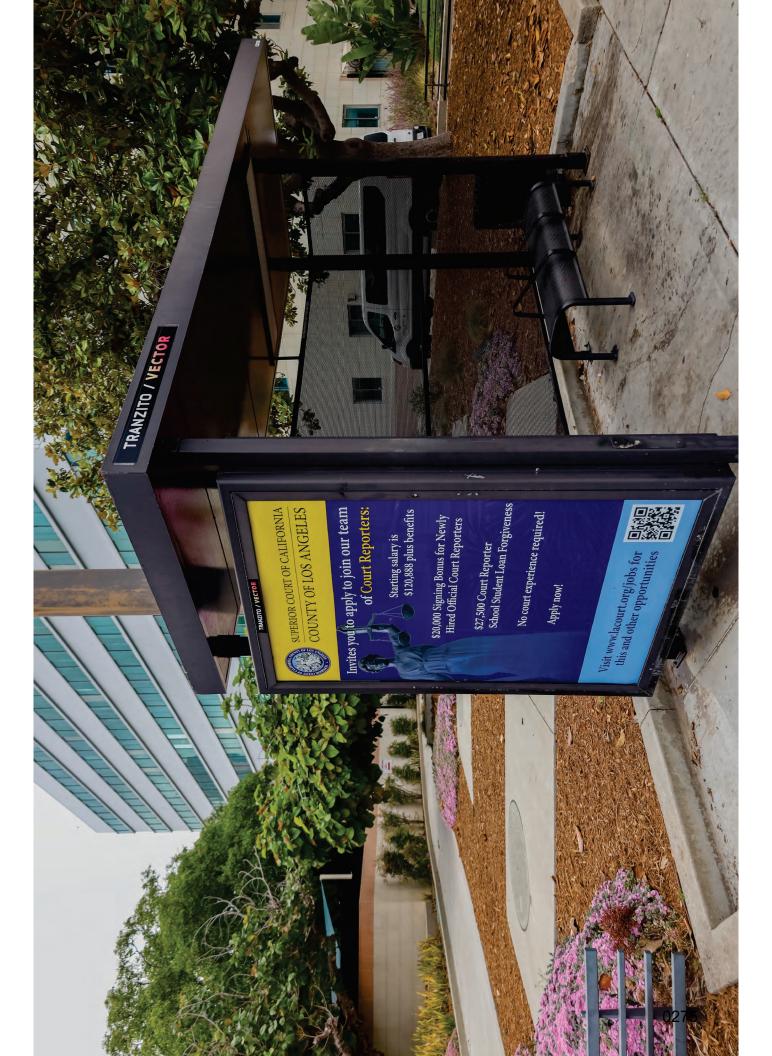
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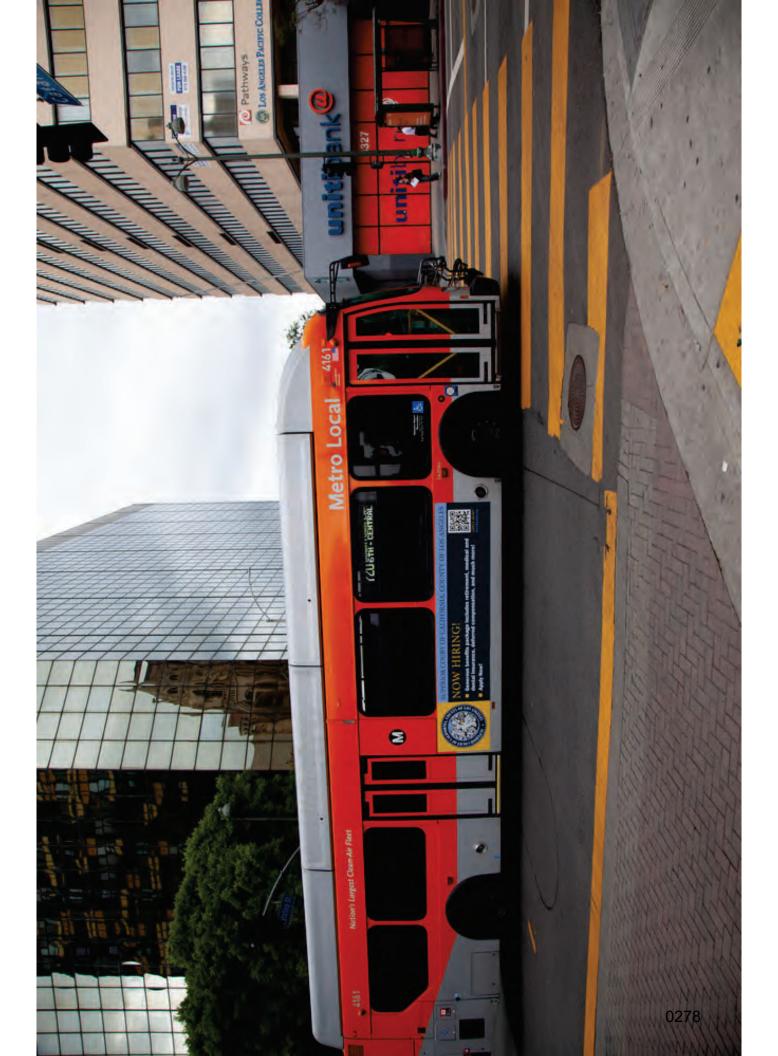




EXHIBIT 3



NEWS RELEASE

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Media Relations publicinfo@lacourt.org

FOR IMMEDIATE RELEASE: April 2, 2024

SUPERIOR COURT OF LOS ANGELES COUNTY LAUNCHES INTERNAL TRAINING PROGRAM TO EXPAND PIPELINE OF COURT REPORTERS AND COURT INTERPRETERS

On-the-Job Training Program Offers Full Scholarships to Eligible Court Employees to Train to Fill Critical Access to Justice Roles

The Court today launched Court Interpreter (Spanish) and Court Reporter (Voice Writing) training programs to build a pipeline of future professionals to aid in the Court's mission of delivering equal access to justice while simultaneously providing current court employees with one year or more of service career development opportunities, Presiding Judge Samantha P. Jessner and Executive Officer/Clerk of Court David W. Slavton announced.

"Ensuring meaningful access to justice to litigants means that it is essential to have a method for capturing the verbatim record and that litigants have the ability to understand the proceedings in their preferred language," Presiding Judge Jessner said. "Court Reporters and Court Interpreters assist the Court in fulfilling those foundational principles. Given the high demand for both Court Reporters and Court Interpreters and their critical role in providing access to justice for the residents of Los Angeles County, the Court will capitalize on existing talent to fill these essential positions."

The training programs recognize the vital role both Court Interpreters and Court Reporters play in the Court's mission to provide equal access to justice through the fair, timely and efficient resolution of all cases. Court Reporters provide court users access to verbatim records of their proceedings, while Court Interpreters eliminate communication barriers for court users with limited English proficiency. Recognizing nearly 40% of Los Angeles County residents speak Spanish at home and Spanish is the primary language interpretation need of the Court, the Court Interpreter Training Program will focus initially on Spanish interpreting. Additionally, given the recent approval of Voice Writing as an accepted method of Court Reporting, the Court Reporter Training Program will focus exclusively on Voice Writing.

"The Court is proud to invest in the future of our diverse and talented workforce by offering this unique and worthwhile opportunity that enables court employees to train for their next court career while continuing to serve the Court in their current position," Executive Officer/Clerk of Court David W. Slayton said. "As the Court's Executive Officer/Clerk of Court, I am committed to investing in innovative programs and initiatives that provide court staff with career development opportunities while simultaneously fortifying a workforce that enhances our ability to provide fair and equal access to justice. I am excited to see the impact the training programs announced today will have not only on our exceptional staff, but on the Court's growing urgent need to fill these vital positions. I strongly encourage all eligible and interested court employees to apply for this unique opportunity."

Drawing upon the Court's extensive pool of talent comprising over 5,000 full-time employees, the two training programs will offer trainees a full scholarship covering all tuition, fees and equipment costs. Training for both programs will take place virtually and last approximately one year. Southern California School of Interpretation will provide training for the Court Interpreter training program, while Poway Adult School will provide training for the Court Reporter training program.

Designed as learn-on-the-job programs, trainees will be provided approximately three to six hours of dedicated training time per week during their regular workday. Trainees who successfully complete the training program and obtain their valid California certifications will be provided guaranteed employment with the Court. Trainees who accept jobs as Court Reporters or Court Interpreters will be expected to stay with the Court for at least three years.

"The Court recognizes our talented staff already possess foundational skills which make them well-positioned to excel in these careers," Chief Human Resources Officer Nancy Dietl Griffin said. "We know our diverse workforce values both professional growth and work life balance. These first-of-their-kind programs will fill a needed gap for employees who want to advance their careers while managing their busy personal lives."

The Court Reporter Training Program also serves as an example of the Court's commitment to implement innovative solutions to address the well-documented Court Reporter shortage crisis, which resulted in over 332,000 proceedings taking place in Los Angeles County in 2023 with no verbatim record, severely limiting, if not fully eliminating, a litigant's right to appeal. Notwithstanding over \$9 million in funding provided by the Legislature for recruitment and retention incentives, the Court sustained a net loss of nine total court reporters since announcing the incentives in February 2023.

Furthermore, a <u>recent report released by the Legislative Analyst's Office</u> (LAO) notes that 44 California trial courts spent \$20.3 million on recruitment and retention efforts in 2022-23 with "limited impact on bringing new hires to the courts in the short run." In addition, the LAO report states that despite these expenditures, "the reported number of court reporter employees departing has continued to outpace the number being hired." In fact, as the report indicates, the number of court reporter vacancies has only grown, with those

vacancies growing statewide from 152 positions in July 2020 (about a 10% vacancy rate) to 400 positions as of July 2023 (a 25% vacancy rate).

The Court's Human Resources Division will accept applications from interested and eligible court employees throughout the month of April. **The training programs are not available to non-court employees.** Each training program will accept a total of up to 30 trainees. Training is anticipated to begin in July 2024 and last through June 2025, with the inaugural class of each training program, pending certification, expected to begin their new positions in the summer of 2025.

EXHIBIT 4

SAMANTHA P. JESSNER PRESIDING JUDGE



DAVID SLAYTON

EXECUTIVE OFFICER/

CLERK OF COURT

April 11, 2023

The Honorable Thomas J. Umberg Senate Judiciary Committee Chair 1021 O Street, Room 3240 Sacramento, CA 95814

Dear Senator Umberg and Members of the Senate Judiciary Committee,

All stakeholders agree: the current shocking shortfall in the number of Certified Shorthand Reporters (CSRs) in the California trial courts is a constitutional crisis, with tens of thousands of your constituents each month now deprived of the possibility of meaningful access to justice for the lack of a verbatim record of proceedings.

In 2018, the California Supreme Court found that the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. This falls heaviest on our communities' most vulnerable litigants in family law, probate, and unlimited civil cases, where the Government Code now prohibits the Court from using electronic recording to capture a verbatim record. Many of these litigants are self-represented and unable to afford the exorbitant cost of hiring a private CSR, which can cost up to \$3,300 a day. This places a verbatim record out of the reach of those without significant means, resulting in unequal access to justice for the vast majority of litigants in our Court.

It is not hyperbole to say: no record, no justice.

We, on behalf of the Los Angeles Superior Court, implore the Legislature to fix this problem **now** via the means set out in Senator Susan Rubio's proposed bill, <u>SB-662 - Courts: court reporters</u>. We reject that the problem represents a mere temporary market imbalance remediable by higher wages and modified working conditions. It is our experience, and that of virtually every other California Superior Court, that a sufficient number of qualified CSRs are neither available now nor will be into the future. The proposition that the "supply of reporters [is] currently adequate" is wrong. We would be very pleased if there were such a supply and would gladly welcome them to fill our over 100 CSR vacancies. But there is not, and we all need

¹ Jameson v. Desta (2018) 5 Cal.5th 594, 608, fn. 1.

² Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

³ Senate Bill 662 OPPOSE Letter to Senator Susan Rubio from SEIU California, Orange County Employees Association, Deposition Reporters Association, International Union of Operating Engineers, AFCSME, California, CA Court Reporters Association and CA Labor Federation, dated April 3, 2023.

SB 662 April 11, 2023 Page 2 of 5

to look that fact squarely in the face. The question is: what are we, collectively, going to do about it?

The answer cannot be further "wait and see."

This issue is impacting your constituents *now* up and down California. A parent needing appellate review *now* of a family law judge's decision to allow her three-year-old to move from California to New York (and thus practically eliminating "frequent and continuing contact") cannot wait and see.⁴ A parent needing appellate review *now* of a family law judge's decision not to permit him to have custody of his eight-year-old daughter because her mother's living space is larger cannot wait and see. A spouse needing appellate review *now* of a family law judge's decision not to modify a large spousal support order which she cannot pay as a result of an injury and lay off from work cannot wait and see.

A verbatim transcript of proceedings provides more than potential appellate review. Very often self-represented litigants find themselves baffled or overwhelmed by their court proceedings and eventually obtain counsel, pro bono or otherwise, to aid them. A verbatim record enables the litigant to review what occurred during the proceeding and enables them to show it to a lawyer.

Just as litigants in limited civil and misdemeanor proceedings now have the benefit of a verbatim transcript via electronic recording, so, too, should the litigants in the real-life examples above. In fact, electronic recording for permitted case types is currently installed in over 200 of our courtrooms and provides litigants access to an accurate verbatim transcript of their proceedings. That electronic recording transcripts are not (yet) the equal to one created by a CSR—a proposition that would benefit from more fact-finding in our view—is a classic example of making the perfect the enemy of the good. The alternative is the current situation, where there is no verbatim record at all. It cannot be correct that the answer is simply to deny litigants *any* verbatim transcript while we engage in a further wait and see process.

The shortage of CSRs impacts all 58 counties in California. In Los Angeles County alone, in January and February of 2023, more than 52,000 court proceedings took place without a CSR or electronic recording to capture what occurred during the proceedings. At the current rate, our court projects more than 300,000 cases will be heard in 2023 without any official transcript.

SB-662, filed by Senator Susan Rubio and sponsored by the Family Violence Appellate Project, would:

 authorize the Court Reporter's Board of California (the Board) to issue a provisional certificate, that would be valid for three years, to an individual who has passed the Registered Professional Reporter examination administered by the National Court

⁴ Family Code Section 3020

⁵ Government Code Section 69957 currently permits electronic recording in limited civil, infraction, and misdemeanor cases.

Reporters Association or who is eligible to take the examination to become a certified shorthand reporter approved by the Board;

- authorize the Court to electronically record all civil proceedings if approved electronic recording equipment is available;
- require the Court to provide a CSR the right of first refusal to transcribe an electronically reported proceeding; and
- require the Court to make every effort to hire a CSR before electing to electronically record actions or proceedings.

The Court greatly values our CSRs and recognizes their intrinsic role in the justice system. That is why we are grateful for the Court's share of the \$30 million provided by the Legislature this fiscal year to bolster our efforts to recruit and retain CSRs. The Court has undertaken a vigorous and high-profile effort, announcing in February of this year robust signing and retention bonuses, competitive student loan forgiveness and a generous finder's fee. We are hopeful these efforts will yield an expanded CSR workforce to fill the existing 100-plus CSR vacancies.

Despite our ambitious recruitment and retention efforts, the Court's CSR vacancy rate has only grown over the last year. In fact, in the over two months since we announced significant recruitment and retention bonuses, the Court's CSR workforce has continued to decline. This chronic and increasing vacancy rate is the result of several factors:

- CSRs can make much more money in the private sector: While the median courtemployed CSR salary plus benefits exceeds \$183,940 (51% more than other nonmanager court positions), as noted earlier, CSRs in the private sector can earn up to \$3,300 per day (without leaving their home).⁷ Notwithstanding money for recruitment and retention, California courts cannot pay CSRs the excessive rates they are earning in the private sector. Even if we could do so today, the private sector has such a demand for the CSRs that they would simply pay above whatever amount the Court was paying.
- People are not choosing a career as a CSR. The number of licensed CSRs is declining significantly: According to the California Department of Consumer Affairs, between FY 2013–14 and FY 2020–21, the number of total licensees has declined 17.1% and the number of new license applications has declined 67.2%.⁸ The National Court Reporters Association reported that the average age of its court reporters members is approximately 55 years old as of June 30, 2022,⁹ and 44% of all active licensed California CSRs were issued at least 30 years ago.¹⁰ In fact, one quarter of the our Court's CSRs have over 25 years of service with the Court, meaning that their tenure with the Court is limited without sufficient replacement CSRs available, previewing a larger crisis on the horizon.

⁶ Nation's Largest Trial Court Offers Substantial Incentives to Retrain and Recruit Official Court Reporters Amid Staffing Shortage, February 1, 2023.

⁷ Government Code Section 69959 prevents court-employee CSRs from reporting remotely.

⁸ Department of Consumer Affairs: Data portal, <u>www.dca.ca.gov/data/annual_license_stats.shtml</u>.

⁹ National Court Reporters Association, <u>www.ncra.org/home/about-ncra/NCRA-Statistics</u>.

¹⁰ Department of Consumer Affairs, Licensee List (as of Jan. 2023). www.dca.ca.gov/consumers/public info/index.shtml.

- The result of decreased interest in the profession is the closure of CSR schools. Since 2011, the number of court reporting training programs in California has decreased from 16 to 9.¹¹ A similar trend has been seen nationwide as the number of open court reporter training programs approved by the National Court Reporters Association has declined from 54 in 2012 to 22 today.¹²
- The CSR licensing exam is notably difficult: Despite having spent years in court reporter training schools at significant expense, fewer than 20% of test-takers have passed the certification test over the past five years, resulting in an average of only 53 newly certified CSRs in the State of California per year.¹³
- Courts are competing against each other to recruit newly-licensed CSRs: According to a
 recent survey conducted by the Judicial Council of California, 74.5% of courts are
 actively recruiting CSRs. Since July 1, 2022, in the California courts, 97 CSRs vacated their
 positions and only 46 CSRs were hired, representing a net loss of 51 reporters. Of those
 46 new hires, 34.8% came from other California courts.

The current situation is untenable and unacceptable for courts, judicial officers, attorneys and, most importantly, the litigants we serve and you represent. At the current rate of CSR attrition, our Court projects being unable to provide enough CSRs to cover even statutorily-mandated case types such as felony criminal and juvenile justice proceedings by 2024.

SB-662 is the first step in addressing this constitutional crisis. The bill balances the great value of and preference for court-employed CSRs (a goal we all share) with the reality of the supply inadequacy.

It cannot be lost on the Committee that the solution to this problem has already been sanctioned by the Legislature in allowing electronic recording in limited civil, certain criminal, and traffic matters. Recognizing that the Legislature endeavors to pass laws that ensure equal access and equal protection to all litigants no matter their income, passing SB-662 expands an already accepted method of capturing court proceedings. By authorizing electronic recording in all civil case types, litigants in family law, probate, and unlimited civil proceedings, who currently do not have access to any verbatim record of their proceedings, will join litigants in limited civil, misdemeanor, and traffic matters who benefit from access to an electronically-produced verbatim record of their proceedings.

We implore the Committee to act. Without this legislative solution, the Court cannot uphold our chief mission of providing timely and equal access to justice to all we serve.

¹¹ California Trial Court Consortium, *The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond*, https://www.siskiyou.courts.ca.gov/system/files?file=court-reporter-shortage-1-2022.pdf and California Court Reporters Association webpage at https://www.cal-ccra.org/court-reporting-schools

¹² National Court Reporters Association: https://www.ncra.org/docs/default-source/uploadedfiles/education/2015-ncra-annual-school-report-final.pdf?sfvrsn=f1e37372 0 and https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs

¹³ Court Reporters Board Dictation Examination Statistics

SB 662 April 11, 2023 Page 5 of 5

We are hopeful you and fellow members of the Senate Judiciary Committee will stand with the thousands of litigants – your constituents – who appear in courtrooms every day throughout California, where important and impactful decisions are made about their lives, children, finances, and more, and, yet, they leave without anything approaching a verbatim record of the proceedings. Passage of SB-662 would remedy this obvious manifestation of justice for the rich but not for the poor in our court system. We look forward to your support of this bill during your April 18 hearing. Thank you for continuing to support the Court's efforts to expand and ensure access to justice for all of your constituents.

Sincerely,

Samantha P. Jessner

Presiding Judge

David W. Slayton

Executive Officer/Clerk of Court

c: Hon. Susan Rubio

Hon. Scott Wilk, Vice Chair of the Senate Judiciary Committee

Hon. Benjamin Allen, Member of the Senate Judiciary Committee

Hon. Angelique V. Ashby, Member of the Senate Judiciary Committee

Hon. Anna M. Caballero, Member of the Senate Judiciary Committee

Hon. María Elena Durazo, Member of the Senate Judiciary Committee

Hon. John Laird, Member of the Senate Judiciary Committee

Hon. Dave Min, Member of the Senate Judiciary Committee

Hon. Roger W. Niello, Member of the Senate Judiciary Committee

Hon. Henry I. Stern, Member of the Senate Judiciary Committee

Hon. Scott D. Wiener, Member of the Senate Judiciary Committee

Cory Jasperson, Director of Governmental Affairs, Judicial Council of California

Shelley Curran, Chief Policy and Research Officer, Judicial Council of California



LOS ANGELES COUNTY BAR ASSOCIATION

444 South Flower Street, Suite 2500 Los Angeles, CA 90071 Telephone: 213.627.2727 www.lacba.org

The Honorable Toni G. Atkins California State Senate President Pro Tempore 1021 O Street, Suite 8518 Sacramento, CA 95814

The Honorable Anthony J. Portantino California Senate Appropriations Committee State Capitol, Room 412 Sacramento, CA 95814

Re: Letter of Support for SB 662 (Rubio)

Dear Senators Atkins and Portantino and Members of the Senate Appropriations Committee:

The Los Angeles County Bar Association ("LACBA"), which represents 20,000 lawyers and legal professionals in Los Angeles County, and the undersigned bar associations listed below write to express our strong support for Senate Bill 662. SB 662, authored by Senator Susan Rubio, aims to address the crisis in our California superior courts caused by the shortage of Certified Shorthand Reporters (CSRs) available to create a record of court proceedings. This hurts your constituents who are unable to obtain a transcript of their proceedings, because that record is often necessary to protect their rights on extremely significant personal and family matters.

In combination with measures being taken by the superior courts to retain and recruit CSRs, SB 662 is necessary to address the constitutional crisis caused by the fact that tens of thousands of Californians each month are currently deprived of the possibility of meaningful access to justice as a result of the lack of a verbatim record of proceedings.

The attached letter of Presiding Judge Samantha Jessner of the Los Angeles Superior Court eloquently summarizes the current dire situation. The shortage of CSRs impacts all 58 counties in California. In Los Angeles County alone, in January and February of 2023, more than 52,000 court proceedings took place without a CSR or electronic recording to capture what occurred during the proceedings.

At the current rate and under current legal restrictions on electronic recording, the Los Angeles Superior Court alone projects that in 2023 more than 300,000 cases will be heard without any official transcript or record of proceedings. But this is a statewide problem.

This shocking shortfall in the availability of CSRs affects most of all the low- and moderate-income litigants who cannot afford the very high costs associated with court reporter fees. Important rights relating to family law matters — including custody, visitation, relocation, and protection of children, protection of victims of domestic violence, rights to alimony, and other matters — are being adjudicated without any verbatim transcript. This adversely affects the parties' ability to effectively enforce or appeal the court's determinations. Similarly, important other civil matters relating to probate and resolution of important civil disputes are being adjudicated without any verbatim record of proceedings.

The need for SB 662 is urgent. The potential costs of implementing the bill — in comparison to the deprivation of rights currently experienced by those served by our courts who cannot afford court reporters — are minimal. This is especially so where many courtrooms already have the means to electronically record court proceedings, and funds exist to further equip courtrooms with the means to electronically record court proceedings.

Accordingly, LACBA and the undersigned bar associations and legal services organizations urge that you release SB 662 from the Appropriations Committee, and use your considerable influence to bring competing views together to reach an effective resolution of, and solution for, the severe shortage of CSRs and the serious impact on constituents who need to use the court system.

We are in the process of collecting additional signatories to this letter and will update you as those additional organizations join. Please see also the attached letters from the California Lawyers Association, representing 80,000 attorneys statewide, in support of SB 662.

Thank you for your attention to this important issue and for your support in advancing SB 662.

Sincerely,

Ann I. Park President

Los Angeles County Bar Association

Jeremy Evans President

California Lawyers Association

Silvia R. Argueta Executive Director

Legal Aid Foundation of Los Angeles

Mónica Ramírez Almadani President & CEO Helen & Morgan Chu CEO Distinguished Chair **Public Counsel**

Diego Cartagena President & CEO

Bet Tzedek Legal Services

Kate Marr

Executive Director

Community Legal Aid SoCal

Betty L. Nordwind Executive Director

Harriett Buhai Center for Family Law

Ana M. Storey Executive Director

LevittQuinn Family Law Center

Carmen E. McDonald Executive Director

Los Angeles Center for Law and Justice

Dennis Smeal Executive Director

Los Angeles Dependency Lawyers, Inc. and Dependency Legal Services San Diego

Connie Chung Joe Chief Executive Officer

Asian Americans Advancing Justice Southern California (AJSOCAL)

Minh T. Nguyen

President

Consumer Attorneys Association of Los Angeles

Ninos Saroukhanioff

President

Association of Southern California Defense Counsel

Magdalena Casas

President

Mexican American Bar Association

Janet Hong

President

Women Lawyers Association of Los Angeles

Erica Yen

President

Asian Pacific American Bar Association of Los Angeles County

Nina Hong

President

Southern California Chinese Lawyers Association

Monica Min

President

Korean American Bar Association of Southern California

Harumi Hata

President

Japanese American Bar Association

Rudy Sato

President

Arab American Lawyers Association of Southern California

Johnny White

President

Irish American Bar Association – Los Angeles

Mercedes Cook

President

Philippine American Bar Association

Angela Zanin

President

Italian American Lawyers Association

Jasmine Horton

President

Black Women Lawyers Association of Los Angeles

Janet Inoue President South Bay Bar Association

Tracy Nakaoka President **Asian Pacific American Women Lawyers Association**

Cinthia N. Flores
President
Latina Lawyers Bar Association

Attachments

cc: Hon. Susan Rubio

Hon. Brian W. Jones, Vice Chair of the Senate Appropriations Committee Hon. Angelique V. Ashby, Member of the Senate Appropriations Committee Hon. Steve Bradford, Member of the Senate Appropriations Committee Hon. Kelly Seyarto, Member of the Senate Appropriations Committee Hon. Aisha Wahab, Member of the Senate Appropriations Committee Hon. Scott D. Wiener, Member of the Senate Appropriations Committee

SAMANTHA P. JESSNER PRESIDING JUDGE



DAVID SLAYTON

EXECUTIVE OFFICER/

CLERK OF COURT

May 4, 2023

The Honorable Anthony J. Portantino Senate Appropriations Committee Chair State Capitol, Room 412 Sacramento, CA 95814

RE: SB 662 – Courts: Court Reporting, as amended April 27, 2023

Dear Senator Portantino and Members of the Senate Appropriations Committee,

All stakeholders agree: the current shocking shortfall in the number of Certified Shorthand Reporters (CSRs) in the California trial courts is a constitutional crisis, with tens of thousands of your constituents each month now deprived of the possibility of meaningful access to justice for the lack of a verbatim record of proceedings.

In 2018, the California Supreme Court found that the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. This falls heaviest on our communities' most vulnerable litigants in family law, probate, and unlimited civil cases, where the Government Code now prohibits the Court from using electronic recording to capture a verbatim record. Many of these litigants are self-represented and unable to afford the exorbitant cost of hiring a private CSR, which can cost up to \$3,300 a day. This places a verbatim record out of the reach of those without significant means, resulting in unequal access to justice for the vast majority of litigants in our Court.

It is not hyperbole to say: no record, no justice.

We, on behalf of the Los Angeles Superior Court, implore the Legislature to fix this problem **now** via the means set out in Senator Susan Rubio's proposed bill, <u>SB-662 - Courts: court reporters</u>. We reject that the problem represents a mere temporary market imbalance remediable by higher wages and modified working conditions. It is our experience, and that of virtually every other California Superior Court, that a sufficient number of qualified CSRs are neither available now nor will be into the future. The proposition that the "supply of reporters

¹ Jameson v. Desta (2018) 5 Cal.5th 594, 608, fn. 1.

² Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

SB 662 May 4, 2023 Page 2 of 5

[is] currently adequate" is wrong.³ We would be very pleased if there were such a supply and would gladly welcome them to fill our over 100 CSR vacancies. But there is not, and we all need to look that fact squarely in the face. The question is: what are we, collectively, going to do about it?

The answer cannot be further "wait and see."

This issue is impacting your constituents *now* up and down California. A parent needing appellate review *now* of a family law judge's decision to allow her three-year-old to move from California to New York (and thus practically eliminating "frequent and continuing contact") cannot wait and see.⁴ A parent needing appellate review *now* of a family law judge's decision not to permit him to have custody of his eight-year-old daughter because her mother's living space is larger cannot wait and see. A spouse needing appellate review *now* of a family law judge's decision not to modify a large spousal support order which she cannot pay as a result of an injury and lay off from work cannot wait and see.

A verbatim transcript of proceedings provides more than potential appellate review. Very often self-represented litigants find themselves baffled or overwhelmed by their court proceedings and eventually obtain counsel, pro bono or otherwise, to aid them. A verbatim record enables the litigant to review what occurred during the proceeding and enables them to show it to a lawyer.

Just as litigants in limited civil and misdemeanor proceedings now have the benefit of a verbatim transcript via electronic recording, so, too, should the litigants in the real-life examples above.⁵ In fact, electronic recording for permitted case types is currently installed in over 200 of our courtrooms and provides litigants access to an accurate verbatim transcript of their proceedings. That electronic recording transcripts are not (yet) the equal to one created by a CSR—a proposition that would benefit from more fact-finding in our view—is a classic example of making the perfect the enemy of the good. The alternative is the current situation, where there is no verbatim record at all. It cannot be correct that the answer is simply to deny litigants *any* verbatim transcript while we engage in a further wait and see process.

The shortage of CSRs impacts all 58 counties in California. In Los Angeles County alone, in January and February of 2023, more than 52,000 court proceedings took place without a CSR or electronic recording to capture what occurred during the proceedings. At the current rate, our court projects more than 300,000 cases will be heard in 2023 without any official transcript.

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⁴ Family Code Section 3020

⁵ Government Code Section 69957 currently permits electronic recording in limited civil, infraction, and misdemeanor cases.

SB-662, filed by Senator Susan Rubio and sponsored by the Family Violence Appellate Project, would:

- require Court Reporters Board of California (CRB) to evaluate the necessity of requiring
 applicants who have passed either the National Court Reporters Association's (NCRA) or
 the National Verbatim Reporters Association's (NVRA) certification examination to
 demonstrate competency as a certified shorthand reporter and to submit its findings to
 the Legislature during their upcoming regular Joint Sunset Review Oversight Hearings;
- authorize the CRB to replace the state-specific examination requirement with the NCRA's or the NVRA's certification examination if the CRB concludes that the current state-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter;
- if a CSR is unavailable, authorize the Court to electronically record all civil proceedings if approved electronic recording equipment is available;
- require the Court to provide a CSR the right of first refusal to transcribe an electronically reported proceeding; and
- require the Court to make every effort to hire a CSR before electing to electronically record actions or proceedings.

The Court greatly values our CSRs and recognizes their intrinsic role in the justice system. That is why we are grateful for the Court's share of the \$30 million provided by the Legislature this fiscal year to bolster our efforts to recruit and retain CSRs. The Court has undertaken a vigorous and high-profile effort, announcing in February of this year robust signing and retention bonuses, competitive student loan forgiveness and a generous finder's fee. We are hopeful these efforts will yield an expanded CSR workforce to fill the existing 100-plus CSR vacancies.

Despite our ambitious recruitment and retention efforts, the Court's CSR vacancy rate has only grown over the last year. In fact, in the over two months since we announced significant recruitment and retention bonuses, the Court's CSR workforce has continued to decline. This chronic and increasing vacancy rate is the result of several factors:

- CSRs can make much more money in the private sector: While the median courtemployed CSR salary plus benefits exceeds \$183,940 (51% more than other nonmanager court positions), as noted earlier, CSRs in the private sector can earn up to \$3,300 per day (without leaving their home).⁷ Notwithstanding money for recruitment and retention, California courts cannot pay CSRs the excessive rates they are earning in the private sector. Even if we could do so today, the private sector has such a demand for the CSRs that they would simply pay above whatever amount the Court was paying.
- People are not choosing a career as a CSR. The number of licensed CSRs is declining significantly: According to the California Department of Consumer Affairs, between FY

⁶ <u>Nation's Largest Trial Court Offers Substantial Incentives to Retrain and Recruit Official Court Reporters Amid Staffing Shortage,</u> February 1, 2023.

⁷ Government Code Section 69959 prevents court-employee CSRs from reporting remotely.

2013–14 and FY 2020–21, the number of total licensees has declined 17.1% and the number of new license applications has declined 67.2%. The National Court Reporters Association reported that the average age of its court reporters members is approximately 55 years old as of June 30, 2022, and 44% of all active licensed California CSRs were issued at least 30 years ago. In fact, one quarter of the our Court's CSRs have over 25 years of service with the Court, meaning that their tenure with the Court is limited without sufficient replacement CSRs available, previewing a larger crisis on the horizon.

- The result of decreased interest in the profession is the closure of CSR schools. Since 2011, the number of court reporting training programs in California has decreased from 16 to 9.¹¹ A similar trend has been seen nationwide as the number of open court reporter training programs approved by the National Court Reporters Association has declined from 54 in 2012 to 22 today.¹²
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The current situation is untenable and unacceptable for courts, judicial officers, attorneys and, most importantly, the litigants we serve and you represent. At the current rate of CSR attrition, our Court projects being unable to provide enough CSRs to cover even statutorily-mandated case types such as felony criminal and juvenile justice proceedings by 2024.

SB-662 is the first step in addressing this constitutional crisis. The bill balances the great value of and preference for court-employed CSRs (a goal we all share) with the reality of the supply inadequacy.

It cannot be lost on the Committee that the solution to this problem has already been sanctioned by the Legislature in allowing electronic recording in limited civil, certain criminal,

⁸ Department of Consumer Affairs: Data portal, <u>www.dca.ca.gov/data/annual_license_stats.shtml</u>.

⁹ National Court Reporters Association, <u>www.ncra.org/home/about-ncra/NCRA-Statistics</u>.

¹⁰ Department of Consumer Affairs, Licensee List (as of Jan. 2023). www.dca.ca.gov/consumers/public_info/index.shtml.

¹¹ California Trial Court Consortium, *The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond*, https://www.siskiyou.courts.ca.gov/system/files?file=court-reporter-shortage-1-2022.pdf and California Court Reporters Association webpage at https://www.cal-ccra.org/court-reporting-schools

¹² National Court Reporters Association: https://www.ncra.org/docs/default-source/uploadedfiles/education/2015-ncra-annual-school-report-final.pdf?sfvrsn=f1e37372 0 and https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs

¹³ Court Reporters Board Dictation Examination Statistics

SB 662 May 4, 2023 Page 5 of 5

and traffic matters. Recognizing that the Legislature endeavors to pass laws that ensure equal access and equal protection to all litigants no matter their income, passing SB-662 expands an already accepted method of capturing court proceedings. In fact, in 2022, over 500 appeals of matters in evictions, criminal cases, and other limited jurisdiction matters were electronically recorded and reviewed and decided by our Appellate Division without incident. By authorizing electronic recording in all civil case types, litigants in family law, probate, and unlimited civil proceedings, who currently do not have access to any verbatim record of their proceedings, will join litigants in limited civil, misdemeanor, and traffic matters who benefit from access to an electronically-produced verbatim record of their proceedings.

We implore the Committee to act. Without this legislative solution, the Court cannot uphold our chief mission of providing timely and equal access to justice to all we serve.

We are hopeful you and fellow members of the Senate Appropriations Committee will stand with the thousands of litigants – your constituents – who appear in courtrooms every day throughout California, where important and impactful decisions are made about their lives, children, finances, and more, and, yet, they leave without anything approaching a verbatim record of the proceedings. Passage of SB-662 would remedy this obvious manifestation of justice for the rich but not for the poor in our court system. We look forward to your support of this bill during your May 8 hearing. Thank you for continuing to support the Court's efforts to expand and ensure access to justice for all of your constituents.

Sincerely,

Samantha P. Jessner

Presiding Judge

David W. Slayton

Executive Officer/Clerk of Court

c: Hon. Susan Rubio

Hon. Brian W. Jones, Vice Chair of the Senate Appropriations Committee

Hon. Angelique V. Ashby, Member of the Senate Appropriations Committee

Hon. Steven Bradford, Member of the Senate Appropriations Committee

Hon. Kelly Seyarto, Member of the Senate Appropriations Committee

Hon. Aisha Wahab, Member of the Senate Appropriations Committee

Hon. Scott D. Wiener, Member of the Senate Appropriations Committee

Cory Jasperson, Director of Governmental Affairs, Judicial Council of California

Shelley Curran, Chief Policy and Research Officer, Judicial Council of California

CALIFORNIA LAWYERS ASSOCIATION

April 12, 2023

The Honorable Thomas J. Umberg, Chair Senate Judiciary Committee 1021 O Street, Room 3240 Sacramento, CA 95814

Re: SB 662 (Rubio), as amended March 20, 2023 - Support

Dear Senator Umberg:

The California Lawyers Association (CLA) supports SB 662, which authorizes a court to order that, in any civil case, the action or proceeding be electronically recorded if an official reporter or an official reporter pro tempore is unavailable, as specified.

In *Jameson v. Desta* (2018) 5 Cal.5th 594, the California Supreme Court stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits." Even without an appeal, the absence of a verbatim record can have an adverse impact on litigants in the trial court when, for example, a dispute or uncertainty arises about the court's decision or the basis of that decision.

Certified shorthand reporters are the preferred way to create a verbatim record. Consistent with this preference, SB 662 requires the court to make every effort to hire a court reporter for an action or proceeding before electing to have the action or proceeding be electronically recorded. If a transcript of court proceedings is requested, the bill requires the court to provide a certified shorthand reporter the right of first refusal to transcribe the electronically recorded proceeding. In addition, the bill takes steps to address the court reporter shortage by permitting the Court Reporters Board to issue a provisional certificate to an individual who has passed the National Court Reporters Association exam or who is eligible to take the examination to become a certified shorthand reporter. The bill also requires the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters, and to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

The Honorable Thomas J. Umberg, Chair Senate Judiciary Committee April 12, 2023 Page 2

Unfortunately, the number of court reporters is not keeping pace with the need, and parties are often left with no verbatim record at all. This threatens access to justice, particularly for those who cannot afford to pay for their own private court reporter when the court does not have enough court reporters for civil cases. SB 662 will increase access to justice by addressing the critical shortage of court reporters.

For these reasons, CLA supports SB 662.

Sincerely,

Jeremy M. Evans President

CALIFORNIA LAWYERS ASSOCIATION

April 17, 2023

The Honorable Richard Roth, Chair Senate Committee on Business, Professions and Economic Development 1021 O Street, Suite 7510 Sacramento, CA 95814

Re: SB 662 (Rubio), as amended March 20, 2023 - Support

Dear Senator Roth:

The California Lawyers Association (CLA) supports SB 662, which authorizes a court to order that, in any civil case, the action or proceeding be electronically recorded if an official reporter or an official reporter pro tempore is unavailable, as specified.

In *Jameson v. Desta* (2018) 5 Cal.5th 594, the California Supreme Court stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits." Even without an appeal, the absence of a verbatim record can have an adverse impact on litigants in the trial court when, for example, a dispute or uncertainty arises about the court's decision or the basis of that decision.

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The Honorable Richard Roth, Chair Senate Committee on Business, Professions and Economic Development April 17, 2023 Page 2

Unfortunately, the number of court reporters is not keeping pace with the need, and parties are often left with no verbatim record at all. This threatens access to justice, particularly for those who cannot afford to pay for their own private court reporter when the court does not have enough court reporters for civil cases. SB 662 will increase access to justice by addressing the critical shortage of court reporters.

For these reasons, CLA supports SB 662.

Sincerely,

Jeremy M. Evans

President

SAMANTHA P. JESSNER PRESIDING JUDGE



DAVID SLAYTON

EXECUTIVE OFFICER/

CLERK OF COURT

January 10, 2024

The Honorable Anthony J. Portantino Senate Appropriations Committee Chair State Capitol, Room 412 Sacramento, CA 95814

RE: SB 662 (Rubio) Courts: Court Reporters, as amended April 27, 2023

Dear Senator Portantino and Members of the Senate Appropriations Committee,

The current shortfall in the number of Certified Shorthand Reporters (CSRs) in the California trial courts is a constitutional crisis, with tens of thousands of your constituents each month deprived of the possibility of meaningful access to justice for the lack of a verbatim record of proceedings.

We implore this committee to <u>act now</u> to solve this crisis with a readily available solution: pass without haste <u>SB 662 (Rubio)</u> from committee, which would revise the restrictions on electronic recording contained in Government Code section 69957. These restrictions ultimately create a significant equal access to justice issue by permitting litigants in misdemeanor, limited civil and infraction matters to have access to appellate review while denying such review to litigants in family law, probate and unlimited civil cases. Put differently, without this change, a person who is facing eviction is entitled to a record created by electronic recording but a child custody matter in which the child will be allowed to have no or little contact with a parent is not entitled to a record of any sort; only silence.

We also want to assure you that our court is not seeking to eliminate court reporters' jobs; in that regard, look at our actions. The Court greatly values our CSRs and recognizes their intrinsic role in the justice system. That is why we are grateful for the Court's share of the \$30 million provided by the Legislature this fiscal year to bolster our efforts to recruit and retain CSRs. The Court has undertaken a vigorous and high-profile effort, <u>announcing</u> robust signing and retention bonuses, competitive student loan forgiveness and a generous finder's fee.¹

Despite our Court's strident efforts, this crisis has not abated since we last wrote to you regarding this issue in May 2023. In 2023 alone, because of the severe court reporter shortage

¹ Nation's Largest Trial Court Offers Substantial Incentives to Retrain and Recruit Official Court Reporters Amid Staffing Shortage, February 1, 2023. Incentives increased in September 2023: Nation's Largest Trial Court Expands Unprecedented Recruitment and Retention Campaign to Address Chronic Court Reporter Shortage

SB 662 January 10, 2024 Page 2 of 6

and statutory restrictions on electronic recording, **over 300,000 hearings took place in the Superior Court of Los Angeles County without a CSR or electronic recording to capture what occurred during the proceedings**, leaving litigants without access to a verbatim record of their proceedings.

In 2018, the California Supreme Court found that the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. This falls heaviest on our communities' most vulnerable litigants in family law, probate, and unlimited civil cases, where the Government Code now prohibits the Court from using electronic recording to capture a verbatim record. Many of these litigants are self-represented and unable to afford the exorbitant cost of hiring a private CSR, which can cost up to \$3,300 a day. This places a verbatim record out of the reach of those without significant means, resulting in unequal access to justice for the vast majority of litigants in our Court.

It is not hyperbole to say: No record, no meaningful access to appellate review.

We, on behalf of the Superior Court of Los Angeles County, implore the Legislature to fix this problem *now* via the means set out in SB 662. We reject that the problem represents a mere temporary market imbalance remediable by higher wages and modified working conditions. It is our experience, and that of virtually every other California Superior Court, that a sufficient number of qualified CSRs are neither available now nor will be into the future. The proposition that the "supply of reporters [is] currently adequate" is wrong. We would be very pleased if there were such a supply and would gladly welcome them to fill our over 100 CSR vacancies. But there is not, and we all need to look that fact squarely in the face. The question is: What are we, collectively, going to do about it?

The answer cannot be further 'wait and see.'

This issue continues to impact litigants **now** up and down California. A parent needing appellate review **now** of a family law judge's decision to allow her three-year-old to move from California to New York (and thus practically eliminating 'frequent and continuing contact') cannot wait and see.⁵ A parent needing appellate review **now** of a family law judge's decision not to permit him to have custody of his eight-year-old daughter because her mother's living space is larger cannot wait and see. A spouse needing appellate review **now** of a family law judge's decision not to modify a large spousal support order which she cannot pay as a result of an injury and layoff from work cannot wait and see.

² Jameson v. Desta (2018) 5 Cal.5th 594, 608, fn. 1.

³ Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

⁴ Senate Bill 662 OPPOSE Letter to Senator Susan Rubio from SEIU California, Orange County Employees Association, Deposition Reporters Association, International Union of Operating Engineers, AFCSME, California, CA Court Reporters Association and CA Labor Federation, dated April 3, 2023.

⁵ Family Code Section 3020

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A verbatim transcript of proceedings provides more than potential appellate review. Very often self-represented litigants find themselves baffled or overwhelmed by their court proceedings and eventually obtain counsel, pro bono or otherwise, to aid them. A verbatim record enables the litigant to review what occurred during the proceeding and enables them to show it to a lawyer.

Just as litigants in limited civil and misdemeanor proceedings now have the benefit of a verbatim transcript via electronic recording, so, too, should the litigants in the real-life examples above. In fact, electronic recording for permitted case types is currently installed in hundreds of our courtrooms and provides litigants access to an accurate verbatim transcript of their proceedings. That electronic recording transcripts are not the equal to one created by a CSR – a proposition that is not borne out by modern technology and our experience with over 500 appeals handled by our Court per year derived from electronic recording that are accurate and competent – is a classic example of making the perfect the enemy of the good. The alternative is the current situation, where there is no verbatim record at all. It cannot be correct that the answer is simply to deny litigants *any* verbatim transcript while we explore all possible avenues for expanding the pool of CSRs to meet the need in our courts today.

The shortage of CSRs impacts all 58 counties in California. It's worth repeating that in Los Angeles County alone, over 300,000 court proceedings took place in 2023 without a CSR or electronic recording to capture what occurred during the proceedings, forcing hundreds of thousands of litigants to leave court without any official transcript of what transpired in their case, effectively eliminating their ability to appeal.

SB 662, filed by Senator Susan Rubio and co-sponsored by the Legal Aid Association of California and the Family Violence Appellate Project, would:

- require the Court Reporters Board of California (CRB) to evaluate the necessity of requiring applicants who have passed either the National Court Reporters Association's (NCRA) or the National Verbatim Reporters Association's (NVRA) certification examination to demonstrate competency as a certified shorthand reporter and to submit its findings to the Legislature during their upcoming regular Joint Sunset Review Oversight Hearings;
- authorize the CRB to replace the state-specific examination requirement with the NCRA's or the NVRA's certification examination if the CRB concludes that the current state-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter;
- if a CSR is unavailable, authorize the Court to electronically record all civil proceedings if approved electronic recording equipment is available;

⁶ Government Code Section 69957 currently permits electronic recording in limited civil, infraction, and misdemeanor cases.

SB 662 January 10, 2024 Page 4 of 6

- require the Court to provide a CSR the right of first refusal to transcribe an electronically reported proceeding; and
- require the Court to make every effort to hire a CSR before electing to electronically record actions or proceedings.

Despite our ambitious recruitment and retention efforts, the Court's CSR vacancy rate has only grown over the last year. In fact, in the 11 months since we announced significant recruitment and retention bonuses, the Court's CSR workforce has continued to decline. This chronic and increasing vacancy rate is the result of several factors:

- CSRs can make much more money in the private sector: While the median court-employed CSR salary plus benefits exceeds \$183,940 (51% more than other non-manager court positions), as noted earlier, CSRs in the private sector can earn up to \$3,300 per day (without leaving their home). Notwithstanding money for recruitment and retention, California courts cannot pay CSRs the rates they are earning in the private sector. Even if we could do so today, the private sector has such a demand for the CSRs that they would simply pay above whatever amount the Court was paying.
- People are not choosing a career as a CSR. The number of licensed CSRs is declining significantly: According to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22, the number of total licensees has declined 19.2% and the number of new license applications has declined 70.1%.⁸ The National Court Reporters Association reported that the average age of its court reporters members is approximately 55 years old as of December 31, 2022,⁹ and 44% of all active licensed California CSRs were issued at least 30 years ago.¹⁰ In fact, one quarter of the Court's CSRs have over 25 years of service with the Court, meaning that their tenure with the Court is limited without sufficient replacement CSRs available, previewing a larger crisis on the horizon.
- The result of decreased interest in the profession is the closure of CSR schools. Since 2011, the number of court reporting training programs in California has decreased from 17 to 8.¹¹ A similar trend has been seen nationwide as the number of open court reporter training programs approved by the National Court Reporters Association has declined from 54 in 2012 to 22 today.¹²
- The CSR licensing exam is notably difficult: Of the 271 individuals who applied to take
 the skills (dictation) portion of the past three California certified shorthand reporter
 exams (held Nov. 2022, Mar. 2023 and July 2023), only 31.7% passed.¹³

⁷ Government Code Section 69959 prevents court-employee CSRs from reporting remotely.

⁸ Department of Consumer Affairs: Data portal, <u>www.dca.ca.gov/data/annual_license_stats.shtml</u>.

⁹ National Court Reporters Association, <u>www.ncra.org/home/about-ncra/NCRA-Statistics</u>.

¹⁰ Department of Consumer Affairs, Licensee List (as of Jan. 2023). www.dca.ca.gov/consumers/public info/index.shtml.

¹¹ Bloomberg Law, <u>Aspiring Court Reporters Wait as California Courts Struggle</u>, December 11, 2023

¹² National Court Reporters Association: https://www.ncra.org/docs/default-source/uploadedfiles/education/2015-ncra-annual-school-report-final.pdf?sfvrsn=f1e37372_0 and https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs

¹³ Court Reporters Board, School Examination Statistics, <u>www.courtreportersboard.ca.gov/applicants/examstats.shtml.</u>

SB 662 January 10, 2024 Page 5 of 6

Courts are competing against each other to recruit newly licensed CSRs: According to a recent survey conducted by the Judicial Council of California, 74% of courts are actively recruiting CSRs. From January 1 – September 30, 2023, 84.1 Full Time Equivalent (FTE) CSRs vacated their positions in California courts and only 69.3 FTE CSRs were hired, representing a net loss of 14.8 FTE CSRs. Of those 69.3 new hires, 23.8% came from other California courts.¹⁴

The current situation remains untenable for courts, judicial officers, attorneys and, most importantly, the litigants we serve. At the current rate of CSR attrition, our Court projects being unable to provide enough CSRs to cover even statutorily mandated case types such as felony criminal and juvenile justice proceedings within the next year.

SB 662 is the first step in addressing this constitutional crisis. The bill balances the great value of and preference for court-employed CSRs (a goal we all share) with the reality of the supply inadequacy.

The Committee should be aware that the solution to this problem has already been sanctioned by the Legislature in allowing electronic recording in limited civil, certain criminal, and traffic matters. Passing SB 662 expands an already accepted method of capturing court proceedings. In fact, in 2022, over 500 appeals of matters in evictions, criminal cases, and other limited jurisdiction matters were electronically recorded and reviewed and decided by our Appellate Division without incident. By authorizing electronic recording in all civil case types, litigants in family law, probate, and unlimited civil proceedings, who currently do not have access to any verbatim record of their proceedings, will join litigants in limited civil, misdemeanor, and traffic matters who benefit from access to an electronically-produced verbatim record of their proceedings when a CSR is unavailable.

We implore the Committee to act. Without this legislative solution, the Court cannot uphold our chief mission of providing timely and equal access to justice to all we serve.

We are hopeful you and fellow members of the Senate Appropriations Committee will stand with the thousands of litigants who appear in courtrooms every day throughout California, where important and impactful decisions are made about their lives, children, finances, and more, and, yet, they leave without anything approaching a verbatim record of the proceedings. Passage of SB 662 would remedy this inequitable situation which results in a record being available only to those who have the means to pay for a private CSR. We strongly urge your support of this bill during your January 18 hearing. Thank you for continuing to support the Court's efforts to expand and ensure access to justice for all Californians.

Sincerely,

¹⁴ Court Reporter Recruitment, Retention, and Attrition dashboard, <u>www.courts.ca.gov/76328.htm.</u>

SB 662 January 10, 2024 Page 6 of 6

Samantha P. Jessner

Presiding Judge

David W. Slayton

Dan't Slagt

Executive Officer/Clerk of Court

c: Hon. Susan Rubio

Hon. Brian W. Jones, Vice Chair of the Senate Appropriations Committee

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Hon. Aisha Wahab, Member of the Senate Appropriations Committee

Hon. Scott D. Wiener, Member of the Senate Appropriations Committee

Cory Jasperson, Director of Governmental Affairs, Judicial Council of California

Shelley Curran, Administrative Director, Judicial Council of California

SB 662: Courts: court reporters

Supporting Organizations (as of 4/21/2023)

Taken From 4/21/2023 Senate Business, Professions and Economic Development Committee Analysis <u>Published Here</u>:

Support:

- A Window Between Worlds
- Advocates for Child Empowerment and Safety
- Asian Americans for Community Involvement
- Asian Women's Shelter
- Bet Tzedek
- California Advocates for Nursing Home Reform
- California Defense Counsel
- California Judges Association
- California Lawyers Association
- California Partnership to End Domestic Violence
- California Protective Parents Association
- California Women's Law Center
- Central California Family Crisis Center, INC.
- Centro Legal de la Raza
- Community Legal Aid Socal
- Consumer Attorneys of California
- Disability Rights California
- Disability Rights Education and Defense Fund
- Elder Law and Disability Rights Center
- Empower Yolo
- Family Violence Appellate Project
- Family Violence Law Center
- Healthy Alternatives to Violent Environments
- Impact Fund
- Inner City Law Center
- Judicial Council of California
- Legal Aid Association of California
- Legal Aid Foundation of Los Angeles
- Legal Aid of Marin
- Legal Aid Society of San Diego
- Legal Assistance to the Elderly
- Legal Services for Prisoners With Children
- Legislative Coalition to Prevent Child Abuse

- Los Angeles Center for Law and Justice
- Lumina Alliance
- McGeorge School of Law Community Legal Services
- National Health Law Program
- Neighborhood Legal Services of Los Angeles County
- Next Door Solutions to Domestic Violence
- OneJustice
- Solano County Superior Court
- Superior Court of Los Angeles County
- The People Concern
- Western Center on Law & Poverty



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Barristers President-Flect

Diane Karpman ABA Delegate May 17, 2023

Senator Susan Rubio C/O Ms. Krystal Moreno Legislative Director 1021 O Street, Suite 8710 Sacramento, CA 95814

Dear Senator Rubio:

The Beverly Hills Bar Association is an organization of more than 4,000 legal professionals founded in 1931. The mission of the bar is to lead, advocate, and serve the greater Los Angeles legal community, including through legislative advocacy relevant to our members. BHBA has one of the largest Family Law Sections in the country, with that Section representing a significant portion of BHBA's membership. The recent loss of court reporters provided by the court in Los Angeles county in November 2022 has impacted all such members and litigants in the civil court system, particularly in the family court system.

On behalf of the Board of Governors of the Beverly Hills Bar Association, I am writing to express our strong support for SB 662, a bill that will have a significant and positive impact on the civil and family court system in California. By allowing electronic recording in civil courtrooms, including family law courtrooms, and expanding the licensing of court reporters, SB 662 will help ensure that all Californians have access to justice, regardless of their income or location.

California's family courts have been grappling with a shortage of court reporters, which has disproportionately affected low-income litigants, many of whom represent themselves in court. The lack of an official record of court proceedings can lead to confusion, miscommunication, and difficulties in enforcing court orders. It also makes it difficult to appeal cases as there is no official record, limiting access to justice. By amending Section 69957 of the Government Code and adding Section 69957.5, SB 662 addresses this issue by permitting the use of electronic recordings when court reporters are unavailable and mandating that the Judicial Council adopt rules and standards for their use.

Furthermore, there is roughly a population of 39 million people in California. The lack of court reporters affects approximately well over 13 million people or approximately one third of the population of California. The result of this is that at least a third of the population in the most-populous cities and counties in California will face a different quality of justice without this simple change to electronic recordings than people in the rest of the state. The bill also offers protections to court reporters because electronic recordings are only to be used when there is no availability of an official court reporter.

Currently, the average cost of a private court reporter is crippling (the only option for many civil litigants). The appearance fee just to show up is up to



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Howard S. Fisher BHBF President

Ava Jahanvash Barristers President

Jasmine Gomez
Barristers President-Elect

Diane Karpman ABA Delegate \$3200 a day depending on the court reporter firm and their availability. As there is a shortage of court reporters, this fee may only increase in time. This does not include the cost for the preparation of transcripts which can cost as much as several hundred dollars to several thousand dollars depending on the length of the proceedings, as court reporters often charge by the page and by word and based off of the amount of time that the document needs to be prepared. This places it out of the price of many people – the average minimum wage job in Los Angeles county earns only \$2600 a month. The inability to have a court reporter disproportionally affects low income litigants, who are mostly in pro per and already at a disadvantage by representing themselves (which is at least 70% of all family law cases). It is an even more impossible choice for families to make to choose between having a lawyer or having a court reporter in their family law matter.

The existing technology and infrastructure in the Los Angeles County court system can address this issue. The courts have an LACC court system which has almost all civil proceedings available for remote appearances through use of video and audio technology. This is a system with pre-existing infrastructure in the courtrooms, and can be adapted, if not already in place, for judicial council approved use to record proceedings.

SB 662 is a vital piece of legislation that will help level the playing field for Californians navigating the civil and family court system. It will provide an adequate record for all litigants, which is essential for the enforcement of court orders, including those related to domestic violence and child custody. By addressing the court reporter shortage and enabling the use of electronic recordings, this bill will make the pursuit of justice more accessible and equitable for all Californians.

Thank you for your time and consideration, and for your commitment to improving access to justice in our state.

Sincerely,

MALCOLM MCNEIL

Partner, ArgentFox Schiff LLP

President, Beverly Hills Bar Association

ALPHONSE F. PROVINZIANO, ESQ.

Certified Family Law Specialist

Chairperson, Solutions for Family Law Committee

Secretary-Treasurer, Beverly Hills Bar Association Board of Governors



California Protective Parents Association

January 8, 2024

The Honorable Anthony Portantino
Chair of the Senate Appropriations Committee
California State Capitol Building, Room 412
Sacramento CA 95814

RE: SB 662 (Rubio) Court Record SUPPORT

Dear Senator Portantino:

California Protective Parents Association is a non-profit organization focused on protecting abused children in family court custody disputes through research, education and advocacy.

We are writing in strong SUPPORT of SB 662 Court Record bill by Senator Susan Rubio. It is a common sense response to a crisis in our courts. A national <u>survey</u> by Geraldine Stahly PhD found that over half (57%) of California family courts hearings were held without court reporters.

The lack of court reporters in California courts affects the safety and rights of survivors of domestic violence who rely on the court 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. **Court** reporters are not required to be at 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.

There are not enough court reporters to cover all the courts. Litigants must pay high prices for a live court reporter which creates a two-tiered justice system. Rich people get the gold standard of live court reporters. The rest of the litigants do not even get a record of their hearing. Electronic recording works. It is being used in evictions, small claims, criminal misdemeanors, and infractions cases. The technology is there now and justice demands we use it. We also need to hold courts accountable to recruit, hire and retain court reporters. SB 662 does both.

We urge you to approve SB 662, a critical bill to ensure justice for all.

Sincerely, Sandy Ross, President

2938 Adeline Street, Oakland CA 94608 310-910-1380 www.caprotectiveparents.org



May 5, 2023

The Honorable Anthony Portantino Chair, Senate Appropriations Committee 1021 O Street, Suite 7630 Sacramento, CA 95814

RE: Support Letter SB 662 (Rubio) Universal Access to Court Records: Electronic Recording

Dear Chair Portantino:

Family Violence Appellate Project, co-sponsor of SB 662, along with 14 other organizations serving domestic violence survivors writes in enthusiastic support of SB 662. As organizations that supports survivors of domestic violence, we know the importance of a verbatim record of court proceedings. Our clients rely on the court 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. Court reporters are not required to be at these hearings. However, a record of what happens at these hearings is necessary for many important reasons.

<u>First</u>, there is a particular need for a reporter's transcript in family law proceedings involving domestic violence issues because law enforcement officers are often called upon to enforce domestic violence restraining orders, or child custody and visitation orders that address family violence issues. In these cases, transcripts are needed to craft an accurate post-hearing written order that can be enforced by law enforcement officers.

Second, in custody and visitation cases where the issues are litigated and revisited over many years, transcripts are needed for the court to assess whether there have been significant changed circumstances since the initial determination. Having the transcript from the initial custody or visitation determination provides the court with a factual baseline of the parties' previous behavior to help the judge assess whether alterations to custody or visitation schedules are warranted.

Third, in many California counties, judges serve only one or two years in family court before moving on to another courtroom assignment. As a result, domestic violence survivors are assigned to multiple judges if the case spans more than one or two years, which happens frequently as parents request revisions to custody and visitation determinations over time. Without a transcript detailing the precise basis for

Support for SB 662 May 5, 2023 Page 2

the original order, the new family law judge is at a disadvantage in assessing and handling the case.

Fourth, the lack of a reporter's transcript is a particularly severe problem for appeals in family violence cases where the volume of family law and domestic violence cases means that written opinions are the exception, not the rule. As a result, it is nearly impossible to appeal wrong or dangerous decisions since a party may not raise evidentiary issues, or other issues dependent on trial court proceedings or rulings not included in a written order, unless there is a reporter's transcript. (See *Jameson v. Desta* (2015) 241 Cal.App.4th 491, 504 [holding that because "the record on appeal does not contain a reporter's transcript," Jameson was "precluded from obtaining a reversal of the trial court's ruling granting Desta's motion for nonsuit"]; *Foust v. San Jose Construction Co.* (2011) 198 Cal.App.4th 181, 185-186) ["In numerous situations, appellate courts have refused to reach the merits of an appellant's claims because no reporter's transcript of a pertinent proceeding or a suitable substitute was provided."].)

Since 2015 people who qualify for a fee waiver have had the right to request a free court reporter. However, what we know from experience is that courts often have to continue our clients' cases for weeks or months before a court reporter is available. Preparing to go to court repeatedly is traumatic for our clients and stretches our agencies resources unnecessarily. It also unnecessarily strains courts resources.

SB 662 has the capacity to change this dynamic, even with no or few additional financial resources. Our best information is that nearly half of the courts in California are already equipped with electronic recording equipment, because there are many types of cases that can be electronically recorded already. SB 662 will allow courts to turn on this equipment in other civil cases, including domestic violence and family law matters, when a court reporter is not available. The additional costs to monitor the equipment, store the digital record, and respond to requests for these records will be minimal, and well worth the results.

In addition, 51 of California's 58 courts use Zoom for remote hearings. SB 662 could allow the 51 of 58 county courts that use zoom for remote hearings to record via zoom, subject to the existing electronic recording requirements and rules. While dedicated funds for court reporters can never be used for electronic recording costs, courts could use other parts of their budgets to equip additional hearings or to hire recording equipment monitors, technicians, and clerks to properly store and control access to electronic recordings.

Finally, it is important to acknowledge the costs to California as a whole, when verbatim records are not available. Gender-based violence is a leading cause of homelessness. Likewise, domestic violence survivors often lose employment as a

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¹ (McLaughlin, 2017).

Support for SB 662 May 5, 2023 Page 3

result of abuse.² California has strong laws to protect survivors from experiencing homelessness and economic deprivation as a result of abuse. However, those laws cannot be implemented if wrong decisions are insulated from appeals and right decisions cannot be enforced because of a lack of a record. Without a record litigants will have no choice but to return to court repeatedly and courts will bear the cost of numerous trial court hearings to rehash already determined questions of fact and law, or to try and enforce unrecorded decisions.

For these reasons we strongly support SB 662 and urge this committee's aye vote on SB 662.

Sincerely,

FAMILY VIOLENCE APPELLATE PROJECT

Jennafer Dorfman Wagner, Esq.

Director of Programs

Erin Scott

Family Violence Law Center

Carmen McDonald

Los Angeles Center for Law and Justice

Lynnette Irlmeier Empower Yolo

Mary Culver

Central California Family Crisis Center, Inc.

Orchid Pusey

Asian Women's Shelter

Jennifer Adams Lumina Alliance

² U. J. of Gender, Soc. Policy & the L. 987, 996-997 (2011).

Aylin Acikalin ADZ Law LLC

Christy Turek Rials

A Window Between Worlds

May Rico
Healthy Alternatives to Violent Environments
(HAVEN)

Colsaria Henderson
Next Door Solutions to Domestic Violence

Vaughn Villaverde, MPH Asian Americans for Community Involvement (AACI)

Kristin Aster
The People Concern

Melissa Knight-Fine Legislative Coalition To Prevent Child Abuse

Christine Smith
California Partnership to End Domestic
Violence

CC: Honorable Members, Senate Committee on Appropriations

Senator Brian W. Jones
Senator Angelique V. Ashby
Senator Steven Bradford
Senator Kelly Seyarto
Senator Aisha Wahab
Senator Scott D. Weiner
Matthew Fleming, Consultant
Janelle Miyashiro, Consultant



April 11, 2023

The Honorable Thomas J. Umberg Chair, Senate Committee on Judiciary 1021 O Street, Suite 6730 Sacramento, CA 95814

RE: Support Letter SB 662 (Rubio) Universal Access to Court Records: Electronic Recording

Dear Chair Umberg:

The Legal Aid Association of California (LAAC) writes to express our strong support, along with the support of the undersigned organizations, for SB 662 (Rubio), a bill which we are proud to cosponsor. SB 662 will ensure due process to low-and moderate- income litigants disproportionately affected due to a lack of certified shorthand court reporters (CSRs). It will do so by providing an option for electronic recording—in the absence of an available court reporter—to produce a record of the proceeding. In addition, this bill will help build a workforce pipeline for CSRs by establishing a provisional certificate and creating a pathway for court reporters to enter into the field and court system.

LAAC is a statewide membership association of over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. LAAC member organizations provide legal assistance on a broad array of substantive issues, ranging from general poverty law to civil rights to immigration, and also serve a wide range of low-income and vulnerable populations. LAAC serves as California's unified voice for legal services and is a zealous advocate advancing the needs of the clients of legal services on a statewide level regarding funding and access to justice.

The California Supreme Court ruled in *Jameson v. Desta*¹ that all people have a right to a verbatim record of their proceeding. Right now, that right is being denied to thousands of Californians every day.

While the number of cases filed in California courts increases every year, the number of certified shorthand reporters in California has decreased by over 17% in the past decade.² Most shorthand

¹ "Accordingly, we conclude 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." 5 CAL.5TH 594, 599 (Cal. 2018).

² Department of Consumer Affairs: Data portal, www.dca.ca.gov/data/annual_license_stats.shtml. The same data shows that new license applications have declined 67.2 in that same period, only 39 new licenses were issued in 2020–21, and the exam pass rate in California hovers around 25%. In addition, the average age of court reporters nationally was 55 as of June 30, 2022 (National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics).



reporting takes place outside the courtroom in depositions, administrative hearings, and other private litigation proceedings. This has resulted in a statewide shortage of court reporters, and consequently, litigants being unable to access a verbatim record of their case. This statewide shortage has severely affected family law matters, where 75% of cases involve self-represented litigants.³

This bill's opponents argue that no shortage of court reporters exists. But to argue that the supply of court reporters is adequate is to ignore mountains of evidence to the contrary.⁴

- CEOs of every court in the state have made abundantly clear that they do not have the court reporters they need. They report that over 50% of California courts are *routinely* unable to cover civil, family law, and probate cases.
- Empirical evidence regarding the number of court reporters licensed in the state indisputably demonstrates the shortage as well.⁷
- Perhaps the clearest evidence of the shortage of all is the sheer volume of proceedings for
 which no record is currently being made. For example, 52,000 proceedings were held without a
 record in LA in January and February of this year. Court staff estimates this number will exceed
 300,000 this year if nothing is changed. And this figure does not account for the huge volume of
 cases that have been repeatedly continued for lack of an available reporter.

SB 662 will allow electronic recording, only in cases where no CSR is available, protecting the rights of court users while also supporting the CSR pipeline.

Electronic recording of court proceedings is already widely used and is a viable option to address the crisis we currently face. It is used in California-based federal courts, in state criminal courts, and widely throughout the rest of the country. In fact, California is one of only three states in the country that

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³ Jameson, *supra* note 1 at 240.

⁴ See, e.g., Judicial Council of California, Fact Sheet: Shortage of Certified Shorthand Reporters in California (Mar. 2023), https://www.kern.courts.ca.gov/system/files/general/fact-sheet-shortage-certified-shorthand-reporters-california-002.pdf; Superior Courts of California, There is a Court Reporter Shortage Crisis in California (Nov. 2, 2022), https://www.saccourt.ca.gov/general/docs/superior-courts-of-california-news-release-statement-re-court-reporter-shortage.Pdf; The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond (Jan. 25, 2022), Prepared for California Trial Court Consortium,

https://www.siskiyou.courts.ca.gov/system/files?file=court-reporter-shortage-1-2022.pdf/.

⁵ See, e.g., There is a Court Reporter Shortage Crisis in California, Press Release, November 2, 2022, https://www.sierra.courts.ca.gov/system/files/general/court-reporter-shortage.pdf. ⁶ Id. at 2.

⁷ JUDICIAL COUNCIL OF CALIFORNIA, *supra* note 4.



makes minimal use of electronic recording in state courts.⁸ There is no better evidence that electronic recording is a workable solution than that, where it is already allowed, it is utilized effectively and without major incident.

This bill's opponents argue that electronic recording is imperfect and court reporters have an incomparable advantage. We agree that a court reporter is preferable to an electronic recording but, ultimately, what matters most is not how the record produced, just that it is produced. In fact, we believe that a certified shorthand reporter is the gold standard in creating a verbatim record. However, an electronic recording being less desirable than a record taken by a court reporter does not mean that an electronic recording is unusable or that it jeopardizes the integrity of the court process in any way. Pointing out isolated examples of problems with electronic recording does not change that.

This bill's opponents argue that allowing electronic recording creates a two-tiered system with one standard for those who have and another for those who do not. But the status quo is already a two-tiered system and one that is infinitely more harmful. Right now, those who can afford to hire a court reporter get a record of their case, and those that cannot get no record at all. SB 662 will bring these two existing tiers closer together by providing a verbatim record for tens of thousands of people where none currently exists. By providing an electronic recording, at least all people will have a record of their case.

A lack of a verbatim record has a profoundly negative impact on court users.

A verbatim record of what happens at hearings is crucial to understanding what the judge has ordered and is essential to appeal the outcome of a proceeding. As the California Supreme Court wrote in *Jameson v. Desta* in 2018: "[T]he absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits." The lack of a verbatim record also makes appealing a wrong or dangerous decision nearly impossible. For example, child custody and visitation orders should be modified when there is a change in circumstances that affects a child's best interest, but a record is necessary to establish what the original circumstances were. This also comes at a tremendous burden and financial cost for missed work, childcare, transportation, etc. For domestic violence survivors of abuse, the emotional toll is also

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⁸ NATIONAL COURT REPORTERS ASSOC., COURT REPORTING INDUSTRY OUTLOOK (2013–14), https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14_ncra_-industry_outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2_0.

⁹ 5 CAL.5TH 594, 622 (Cal. 2018). *See also* COMMISSION ON THE FUTURE OF CALIFORNIA'S COURT SYSTEM, REPORT TO THE CHIEF JUSTICE 240 (2017) ("Providing an official record is essential to equal access, transparency, and fundamental fairness.").



significant and can be detrimental to their individual circumstance. Importantly, even when a court user does not seek to appeal, having a transcript helps them understand what happened during the case and what the result is.

This bill's opponents argue that before electronic recording is allowed, we should give the Legislatures financial investments time to play out. But it is unacceptable to continue to deny hundreds of thousands of people, most of them low-income and/or unrepresented, their right to a verbatim record while we wait. SB 662 offers a solution to prevent irreparable harm while we continue to work toward better CSR availability.

SB 662 is uniquely positioned to be successful because of its two-pronged approach: it addresses the problem both by increasing the supply of court reporters available AND by providing a solution for the thousands of people not currently getting any record of their case.

This bill's opponents argue that it will eliminate court reporter jobs. But the bill's unique approach will do precisely the opposite. There is no logical basis to assume that allowing electronic recording, only when there is no other option, will lead to a loss of court reporter jobs. In fact, this bill will force courts to hire more reporters and lessen the need for electronic recording.

Unlike any previous bill that attempted to repeal the statutory prohibition on electronic recording, SB 662 goes much further. In an effort to help people in need, while also supporting the CSR community, SB 662 makes specific efforts to increase the supply of CSRs in courts. Not only does it create a provisional licensing program so that more CSRs will be available for courts to hire, it also creates accountability for courts in their recruitment and hiring practices. For the first time in the many years that the legislature has allocated millions of dollars to courts to hire court reporters, SB 662 would require courts to report back to the legislature on how that money is or isn't being spent, increasing transparency.

Again, we agree that the ideal situation is to have a certified shorthand reporter in every proceeding. That is why this bill takes important steps to increase the supply of reporters in courts. But, until those impacts can be felt, something must be done to protect the people that are currently suffering the abridgement of their ability to use the court system by failing to give them what they need to appeal as well as understand the outcome of their case.

LAAC has been involved in advocacy around this topic for several years, from *Jameson* to now. It is an important issue to us, and we see SB 662 as the solution we have been looking for to ensure universal access to a record. SB 662 is a critical measure that will ensure individuals and families receive due



process and access to justice. We respectfully ask for your "AYE" vote when this bill comes before your committee.

Sincerely,

Jan Hine

Lorin Kline, Director of Advocacy

Jeffrey Webb Mahdi Manji

Bet Tzedek Inner City Law Center

Maura Gibney Stephanie Davidson

California Advocates for Nursing Home Reform Legal Aid Foundation of Los Angeles

Monique Berlanga Josh Sullivan

Centro Legal de la Raza Legal Aid of Marin

Kate Marr Gregory E. Knoll, Esq.

Community Legal Aid SoCal Legal Aid Society of San Diego

Melissa Brown Thomas Drohan

Community Legal Services, McGeorge School Legal Assistance to the Elderly

of Law

Skyler Rosellini

Eric Harris National Health Law Program

Disability Rights California

Minyong Lee

Claudia Center Neighborhood Legal Services of Los Angeles

Disability Rights Education and Defense Fund County

Brooke Weitzman Leigh Ferrin

Elder Law and Disability Rights Center OneJustice

Teddy Basham-Witherington Betsy Butler

Impact Fund The California Women's Law Center

Tina Rosales

Western Center on Law and Poverty



CC: Honorable Members, Senate Committee on Judiciary

Senator Scott Wilk Senator Benjamin Allen Senator Angelique V. Ashby Senator Anna M. Caballero Senator María Elena Durazo

Senator John Laird
Senator Dave Min
Senator Roger W. Niello
Senator Henry I. Stern
Senator Scott D. Wiener
Allison Whitt Meredith, Staff Counsel

Legislative Coalition to Prevent Child Abuse El Dorado Hills, California 95762

Jan 11, 2024

Honorable Anthony Portantino Senate Appropriations Committee Sacramento, CA 95814

Re: Support for SB 662 (Rubio) Access to Court Records

Honorable Chairman Portantino,

I write as director of the Legislative Coalition to Prevent Child Abuse to express our organization's support of SB 662. This bill will improve access to court recordings in cases involving family violence. We work with cases where children have been left unprotected from abuse or murder in custody proceedings. Court reporters are not required to be at all hearings that pertain to child safety. However, a record of what occurs at these hearings is essential if children and families are to be protected. The bill is sponsored by the Family Violence Appellate Project. They have expertise in the area of domestic violence and court proceedings and have worked with stakeholders to craft this needed solution.

The lack of a reporter's transcript makes it impossible to appeal cases where the court has overlooked extensive evidence of severe danger to children. Lower court rulings could not be appealed in many cases that have resulted in predictable and preventable homicides after family members begged the courts for protection. SB 662 will be one step toward better protection for children.

Importantly, this bill would require the Judicial Council to collect information from courts and report to the legislature regarding how they are utilizing funds appropriated to recruit and hire court reporters.

SB 662 promotes child and family safety, equity, proper case management and court accountability. We ask for your aye vote.

On behalf of the Coalition,

Melissa Knight-Fine Legislative Coalition to Prevent Child Abuse melissaknightfine@yahoo.com 916-203-1234

BOUCHERLLP

21600 Oxnard Street, Suite 600 Woodland Hills, California 91367

Telephone 818.340.5400 Facsimile 818.340.5401

January 8, 2024

Via Electronic Submission Only

Senate Appropriations Committee Link: https://calegislation.lc.ca.gov/Advocates/

Re: Letter of Support for SB 662 (Sen. Rubio)

Dear Senator Atkins, Senator Portantino, and Members of the Senate Appropriations Committee:

I write to urge your support for SB 662 to address the certified shorthand reporter (CSR) crisis that is impacting California trial courts, authored by Senator Susan Rubio. By expanding the courts' ability to implement electronic recording of court hearings in civil cases where a CSR is unavailable, the bill will help ensure access to justice for all California citizens who are involved in civil litigation.

As a lawyer, I understand the importance of having a transcript of court proceedings. It enables my clients to sufficiently request reconsideration of a trial court ruling, to request immediate review of a trial court decision to a court of appeal, or to appeal certain decisions or the judgment entered in the case. Without a record of court hearings, there is a much lower chance of having a trial court decision reviewed or reversed.

I have observed the shortage of CSRs. It has driven up the cost of having a court reporter present for civil case court hearings and depositions, which unfortunately impacts my clients by making civil lawsuits more expensive. I have observed difficulties with reserving a court reporter for court hearings in my complex, civil cases due to the shortage. I have also conducted depositions with an electronic recorder, then engaged the court reporter business to transcribe the recording with no issues.

As Californians, we have to embrace facts and make provisions for the future. Especially so, where the issue impacts civil justice and the third branch of government.

- <u>Fact</u>: there is a shortage of CSRs that is not going to be *fully* remedied through court recruitment efforts.
- Fact: There are civil litigants, including family law litigants and domestic violence survivors, who need court hearing transcripts to request review of trial court decisions and judgments rendered in their cases, to ensure civil justice. Ensuring that a court hearing may be electronically recorded in all civil cases, where a CSR is unavailable, is a step in the right direction. It helps to ensure that all litigants have equal access to justice.

BOUCHERLLP

Page 2

- Fact: Electronic recordings of depositions in civil cases are already taking place in California. So, too, are electronic recordings of certain court hearings in both LA County Superior Courts and in certain United States District Courts in the Central District of California, as permitted by law. All to good use and effect.
- <u>Fact</u>: Jobs are created by permitting qualified individuals to set up and oversee the electronic recorders, and to transcribe the electronic recordings when requested.

In truth, SB 662 simply expands the categories of civil case types where electronic recordings are permitted, where CSRs are not available. CSRs will retain the right of first refusal for transcription of electronic recordings. It also provides a mechanism to help the California Legislature evaluate the need for requiring new applicants who have already passed other certification exams to pass the California exam. Civil litigants who can afford to, or prefer to, use a CSR will retain the right to do so in depositions and at court hearings.

Please strongly consider taking SB 662 out of "suspense" this month and permitting the bill to move forward towards passage. Thank you.

Sincerely,

BOUCHER LLP

Shehnaz M. Bhuiwala, Esq. (Bio)



January 8, 2024

The Honorable Anthony Portantino, Chair of the Senate Appropriations Committee California State Capitol Building Room 412
Sacramento CA 95814

RE: SB 662 (Rubio) Court Record SUPPORT

Dear Senator Portantino:

Mothers of Lost Children are a group of mothers whose children are forced to visit unsupervised or live with their identified perpetrators through failures in the family and juvenile courts. Our children have disclosed abuse, and have not been protected or believed. The agencies designed to protect children have not helped, and in many cases have done harm. We have done everything we, as individuals, could do to protect them, yet have been unable to keep them safe.

We are writing in strong SUPPORT of SB 662 Court Record bill by Senator Susan Rubio. It is a common sense response to a crisis in our courts. A national survey by Geraldine Stahly PhD found that over half (57%) of California family courts hearings were held without court reporters.

The lack of court reporters in California courts affects the safety and rights of survivors of domestic violence who rely on the court 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. **Court reporters are not required to be at**

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.

There are not enough court reporters to cover all the courts. Litigants must pay high prices for a live court reporter which creates a two-tiered justice system. Rich people get the gold standard of live court reporters. The rest of the litigants do not even get a record of their hearing. Electronic recording works. It is being used in evictions, small claims, criminal misdemeanors, and infractions cases. The technology is there and justice demands we use it. We also need to hold courts accountable to recruit, hire and retain court reporters. SB 662 does both. We urge you to approve SB 662, a critical bill to ensure justice for all.

Sincerely, Sarah Kerlow, President

2513 Tamarisk Dr. Santa Rosa, CA 95405 https://www.mothersoflostchildrenmovement.org



January 14, 2024

Via Email and Position Letter Portal

The Honorable Anthony Portantino, Chair Senate Appropriations Committee California State Capitol, Room 412 Sacramento, CA 95814

Re: SB 662 (Rubio), Universal Access to Court Records – Support

Dear Senator Portantino:

I am writing on behalf of the Consumer Rights and Economic Justice (CREJ) project at Public Counsel to express our strong support for Senate Bill 662, authored by Senator Rubio. The bill seeks to address the critical shortage of court reporters in our judicial system.

CREJ represents and assists low-income individuals facing debt-collection lawsuits, and involved in other consumer litigation. Many, if not most, of our clients qualify for fee waivers, which entitle them to court-appointed official court reporters.

Our experience – and the experiences of the *pro per* litigants whom we assist –have repeatedly highlighted the detrimental impact of the current shortage of court reporters. This scarcity has created a two-tier justice system, depriving of equal justice those who cannot afford live private court reporters.

We have witnessed firsthand how this situation has infringed upon the legal rights and fair trial opportunities of our clients. For example, we are often constrained in assisting individuals when they come to us for help after having proceeded in hearings and trials without a court reporter. The lack of a verbatim record limits their options, particularly in appeals or subsequent legal actions. In contrast, where electronic reporting has been available, the records enable us to thoroughly evaluate our clients' cases and more effectively guide them through their legal options.

Electronic recording, as proposed in SB 662, is a viable and necessary solution. It is already effectively used in various judicial proceedings, such as evictions, small claims, and misdemeanors. Implementing electronic recording in all civil cases will ensure a more equitable

January 14, 2024 Page 2

justice system, where access to accurate records is not a privilege of the wealthy but a standard for all.

Moreover, SB 662's provisions to encourage the hiring and retention of court reporters are crucial. The bill's requirement for the Judicial Council to report annually on its efforts towards this goal ensures accountability and progress in addressing this crisis.

SB 662 represents a balanced approach to a pressing issue, ensuring both technological adaptation and the continued importance of court reporters in our legal system. We urge your support for SB 662 so that we can move towards a more just and equitable legal system for all Californians.

Sincerely,

Ghirlandi C. Guidetti

Ghirlandi Guidetti Staff Attorney

Consumer Rights and Economic Justice

Via Email only to: Office of Gov. Gavin Newsom, Legislative Affairs (leg.unit@gov.ca.gov; Nick Hardeman, Chief of Staff (nick.hardeman@sen.ca.gov); Kimberly Rodriguez, Policy Director (kimberly.rodriguez@sen.ca.gov); Matthew Fleming, Consultant on Judiciary/Public Safety (Matthew.Fleming@sen.ca.gov); and Craig Wilson, Chief of Staff (craig.wilson@sen.ca.gov).







April 11, 2023

The Honorable Thomas J. Umberg Chair, Senate Judiciary Committee 1021 O Street, Suite 3240 Sacramento, CA 95814

Re: SB 662 (Rubio): SUPPORT

Dear Senator Umberg:

Senate Bill 662 (Rubio) is scheduled for hearing in the Judiciary Committee on Tuesday, April 18, 2023. On behalf of the combined memberships of the Consumer Attorneys of California, the California Defense Counsel, and the California Judges Association, we are writing in support of the measure and to respectfully request your "AYE" vote.

SB 662 addresses a growing crisis in our court system relating to the unavailability of court reporters. The inability of courts to fill positions for Certified Shorthand Reporters literally represents a denial of due process and access to justice, particularly for low-income litigants without the resources to hire private court reporters to act as reporters pro Tem. In response to this growing problem, SB 662 proposes a multifaceted, balanced approach which authorizes the California Court Reporters Board to issue provisional licenses to reporters who have passed a national court reporters exam, and broadens the *existing authority* for courts to order electronic recording in limited jurisdiction civil cases to all civil cases. In order for courts to order electronic recording under the bill, the court must make every effort to hire a reporter for the proceeding, and offer a right of first refusal for existing court reporters to transcribe any proceeding recorded electronically.

Importantly, SB 662 also requires the California Judicial Council to adopt rules and standards for the use of electronic recording, to ensure that recordings are able to be easily transcribed, and to report to the Legislature about progress in hiring court reporters from previously approved budget funds.

Unfortunately, every reliable metric has shown that there is a large and growing shortage of licensed Certified Shorthand Reporters in California. It is indisputable that the numbers of licensed Certified Shorthand Reporters has been declining for years, with court reporting

Re: SB 662 (Rubio) - SUPPORT

Page 2

schools closing, and a very small number of new admittees joining the profession. Court executives confirm that there are far more court reporters leaving their positions than they can replace. Individual courts are now offering very substantial signing bonuses and referral fees in an attempt to fill their depleted court reporter ranks. Practitioners have been hiring private court reporters for court proceedings for years as the courts could not provide them. Additionally, now in an attempt to cover criminal proceedings, where liberty interests are at stake, increasingly courts are not providing court reporters for additional civil proceedings, including family law where unrepresented litigants literally are at risk of losing custody of their children.

Because of the supply-demand imbalance, court reporter fees for court proceedings where court reporters are not provided are skyrocketing. Lawyers have reported paying thousands of dollars per day in "appearance fees." A few years ago, a one day deposition might have cost \$600 - \$1,000. Now \$5,000 a day is not uncommon. This is simply not affordable for all but the wealthiest. Worse, practitioners report that increasingly court proceedings are being postponed due to the lack of Certified Shorthand Reporters.

Please be assured that our concerns do not arise from any hostility to court reporters. To the contrary, Certified Shorthand Reporters play a critical role in the judicial system. Court reporting is a difficult, arduous and intense activity requiring great skill. We have enormous respect for individuals who can create a verbatim record of contentious and often emotional proceedings, with lawyers and parties talking over each other, frequently involving interpreters and non-English speaking witnesses, objections and the specialized language of the law.

Simply put, it is past time for the Legislature to address the growing unavailability and unaffordability of court reporters. Because due process and access to justice issues are at stake, we would again express support for the balanced approach in SB 662 and respectfully request your "AYE" vote.

Sincerely,

Greg Rizio

Greg Rizio, President

Consumer Attorneys of California

John Cotter

John Cotter, President

California Defense Counsel

David Rosenberg
The Honorable David Rosenberg

President, California Judges Association

cc: The Honorable Susan Rubio
Members, Senate Judiciary Committee
Allison Meredith, Counsel, Senate Judiciary Committee
Morgan Branch, Consultant, Senate Republican Caucus

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January 12, 2024

The Honorable Toni G. Atkins California State Senate President Pro Tempore 1021 O Street, Suite 8518 Sacramento, CA 95814

The Honorable Anthony J. Portantino California Senate Appropriations Committee State Capitol, Room 412 Sacramento, CA 95814

Re: Letter of Support for SB 662 (Rubio)

Dear Senators Atkins and Portantino and Members of the Senate Appropriations Committee:



I write on behalf of the Women Lawyers Association of Los Angeles (WLALA) to express our strong support for Senate Bill 662, authored by Senator Susan Rubio, which aims to address the crisis in our California superior courts, resulting from the inability to provide a court record for those least able to afford one.

There is an increasing shortage of Certified Shorthand Reporters (CSRs) available to create a record of court proceedings and the problem is only getting worse. This hurts your constituents who are unable to obtain a transcript of their proceedings, because that record is often necessary to protect their rights on extremely significant personal and family matters as described below.

In combination with measures being taken by the superior courts to retain and recruit CSRs, SB 662 is necessary to address the constitutional crisis caused by the fact that tens of thousands of Californians each month are currently deprived of the possibility of meaningful access to justice as a result of the lack of a verbatim record of proceedings.

As a result of the severe court reporter shortage and statutory restrictions on electronic recording, over 300,000 hearings took place this past year alone in the Superior Court of Los Angeles County without a court reporter, leaving litigants without access to a verbatim record of these proceedings.

Court Reporter recruitment and retention incentives first announced in February, and increased in September, were generous, but barely enabled the Los Angeles Superior Court to maintain its current CSR staffing. Since the LA Court announced a recruitment and incentive package in February, 18 court reporters have left court

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service and 11 court reporters have joined court service (including one voice writer), resulting in a net loss of 7 court reporters.

This increasing number of uncovered hearings and the decreasing number of CSRs heavily impacts low- and moderate- income litigants who cannot afford the very high costs of obtaining a court reporter, when their ranks are shrinking.

Important rights relating to family law matters — including custody, visitation, relocation, and protection of children, protection of victims of domestic violence, rights to alimony, and other matters — are being adjudicated without a transcript. This hurts the parties' ability to enforce or appeal the court's decisions.

Similarly, important other civil matters relating to probate and resolution of important civil disputes are being adjudicated without any transcript of proceedings.

The need for SB 662 is urgent. The potential costs of implementing the bill — in comparison to the deprivation of rights currently experienced by those served by our courts who cannot afford court reporters — are minimal. This is especially so where many courtrooms already have the means to electronically record court proceedings, and funds exist to further equip courtrooms with the means to electronically record court proceedings.

Accordingly, WLALA urges that you pass SB 662 from the Appropriations Committee, and use your considerable influence to bring competing views together to reach an effective solution for the severe shortage of CSRs and the serious impact on constituents who need to use the court system.

Thank you for your attention to this important issue.

Sincerely,

Jeannine Y. Taylor

President, Women Lawyers Association of Los Angeles



Judicial Council of California

520 Capitol Mall, Suite $600 \cdot$ Sacramento, California 95814-4717 Telephone $916\text{-}323\text{-}3121 \cdot$ Fax 916-323-4347

PATRICIA GUERRERO Chief Justice of California Chair of the Judicial Council SHELLEY CURRAN

Administrative Director

January 8, 2024

Hon. Anthony Portantino, Chair Senate Appropriations Committee 1021 O Street, Suite 7630 Sacramento, California 95814

Subject: Senate Bill 662 (Rubio), as amended April 27, 2023 – Support

Dear Senator Portantino:

The Judicial Council supports SB 662, which permits a court to electronically record any civil case if an official reporter or an official reporter pro tempore is unavailable, as specified. The bill requires that the court make every effort to hire a court reporter before electing to electronically record the action or proceedings pursuant to these provisions. It requires a court to provide a certified shorthand reporter, as specified, the right of first refusal to transcribe an electronically reported proceeding.

In addition, the bill requires the Court Reporters Board to review its licensing examination to determine whether it is necessary to require applicants who have passed the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination, to demonstrate competency as a certified shorthand reporter. The bill requires the Board to evaluate whether the California-specific examination should be replaced with acceptance of the National Court Reporter's Association's or the National Verbatim Reporter's Association's certification examination to establish proficiency in machine shorthand reporting or voice writing. It requires the Board to submit its findings to the Legislature by June 1, 2024, during its regular Joint Sunset Review Oversight Hearings.

Finally, the bill requires the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters. It requires, beginning January 1, 2025, and annually thereafter until all such funds are expended, the Council to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

Hon. Anthony Portantino January 8, 2024 Page 2

In expanding electronic reporting to all civil case types, SB 662 is consistent with the Council's adopted 2023 Legislative Priorities that include "Continu[ing] to promote the availability of verbatim records of court proceedings by working collaboratively to address court reporter shortages and exploring innovations in technology."

Due to the well documented court reporter shortage, the prohibitive cost of hiring a private court reporter, and existing statutory restrictions on the use of electronic reporting, many parties today lack access to a verbatim record.¹

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits. Without an accurate and complete transcript, these parties are for all practical purposes unable to meaningfully exercise their right to appeal. Removing the statutory case type restrictions and expanding the use of electronic reporting, which increases access to a verbatim record, promotes access to justice.

Next, SB 662 demonstrates a clear policy preference for court reporters by explicitly requiring that courts make every effort to hire a court reporter before permitting electronic recording. The bill also provides a right of first refusal to certified shorthand reporters if a transcript of an electronic recording is requested. Notably, under SB 662, these requirements would apply to both the civil cases added by the bill as well as existing case types in which electronic recording is already currently authorized.³

SB 662 also takes steps to address the court reporter shortage by requiring the Court Reporters Board to review its licensing requirements. It is hoped that this will help ease the critical shortage by expanding the pool of court reporters.

Finally, the bill requires the Council to track and report to the Legislature on funds appropriated to recruit and hire court reporters. This reporting requirement is similar to other reporting requirements already in statute. Because the Council is already tracking the purchase and lease of ER equipment by trial courts and providing semiannual reports to the Legislature pursuant to section 69958 of the Government Code, it is anticipated that the bill's reporting requirement would not be unreasonably burdensome.

¹ Fact Sheet: Shortage of Certified Shorthand Reporters in California, Judicial Council of California, January 2024. There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023. However, according to the California Department of Consumer Affairs data portal, between FY 2013–14 and FY 2021–22, the number of total licensees has declined 19.2 percent and the number of new license applications has declined 70.1 percent. Just 35 new licenses were issued statewide in 2021–22.

² Jameson v. Desta (2018) 5 Cal.5th 594, 622.

³ Electronic recording is currently authorized in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

Hon. Anthony Portantino January 8, 2024 Page 3

During July–September 2023 alone, an estimated 133,000 family, probate, and unlimited civil hearings were held in California with no verbatim record. This represents 38.8 percent of reported hearings in these case types. An additional 81,900 hearings in these case types had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter, representing 23.9 percent of reported hearings in these case types.

Certified Shorthand Reporters are the preferred way to provide a record; however, the number of court reporters is not keeping pace with the need. This threatens access to justice for all Californians, especially those who cannot afford to pay thousands of dollars for their own private court reporter when the court does not have enough court reporters to staff civil courtrooms.

As noted in *Jameson*, the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits.⁴ Victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection.⁵

For these reasons, the Judicial Council supports SB 662.

Should you have any questions or require additional information, please contact Aviva Simon at 916-323-3121.

Sincerely,

Cory T. Jasperson

Director

Governmental Affairs

CTJ/AS/emu

Attachment

cc: Members, Senate Appropriations Committee

Hon. Susan Rubio, Member of the Senate, 22nd District

Ms. Christy Bouma, Legislative Affairs Secretary, Office of the Governor Ms. Shelley Curran, Administrative Director, Judicial Council of California

⁴ Jameson, supra, 5 Cal.5th at 608, fn. 1.

⁵ In re Armstrong (1981) 126 Cal.App.3d 565; March v. Mun. Ct. (1972) 7 Cal.3d 422.

Fact Sheet: Shortage of Certified Shorthand Reporters in California



January 2024

Background

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits.1 The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required and electronic recording is not authorized. Parties may arrange for the services of a court reporter in other case types. However, a declining number of court reporters threatens access to justice for court users, especially Californians who can't afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements,5 it is estimated that California courts may need up to an additional 650 full-time court reporters. In addition to court reporters employed by the courts, courts also contract with pro tempore⁷ reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.8

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.9 However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%. 10 Potential indicators that the decline will continue include:

Challenging pathway to licensure: Thirty-five new licenses were issued statewide in 2021–22. 11,12 Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers. 13

¹ Jameson v. Desta (2018) 5 Cal.5th 594, 622.

² Felony and juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁴ Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

⁵ Covering all case types where a court reporter is required or electronic recording is not authorized.

^{6 &}quot;Need" is calculated by applying the Resource Assessment Study estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, www.courts.ca.gov/29305.htm.

⁷ Refers to an individual who is retained by the court on an intermittent or contractual basis.

⁸ Court Reporter Recruitment, Retention, and Attrition dashboard, <u>www.courts.ca.gov/76328.htm</u>.

⁹ Court Reporters Board: December 13, 2023, Board Meeting Packet, www.courtreportersboard.ca.gov/about-us/20231213_packet.pdf.

¹⁰ Department of Consumer Affairs data portal, www.dca.ca.gov/data/annual_license_stats.shtml.

 $^{^{12}}$ Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010), www.courtreportersboard.ca.gov/applicants/school_info.shtml. However, students may also qualify for California's Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing. 0339

¹³ Court Reporters Board, School Examination Statistics, <u>www.courtreportersboard.ca.gov/applicants/examstats.shtml</u>.

Fact Sheet: Shortage of Certified Shorthand Reporters in California



January 2024

 Court reporters likely nearing retirement: The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 as of December 31, 2022. ¹⁴ In California, approximately 44.9% of all active licenses were issued at least 30 years ago. ¹⁵

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940. This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average. Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%. In FY 2022–23, California courts spent \$22.6 million on transcripts.

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more. For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter. The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection. California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.

¹⁴ National Court Reporters Association, <u>www.ncra.org/home/about-ncra/NCRA-Statistics</u>.

¹⁵ Department of Consumer Affairs, Licensee List (as of Nov. 2023), www.dca.ca.gov/consumers/public_info/index.shtml.

 $^{^{16}}$ Median value of estimated salary and benefit costs statewide by the filled court reporter FTEs.

¹⁷ Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

¹⁸ Sen. Bill 170 (Stats. 2021. ch. 240).

 $^{^{19}}$ $\overline{\text{2022-23}}$ Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

²⁰ Court Reporter Recruitment, Retention, and Attrition dashboard, www.courts.ca.gov/76328.htm.

²¹ Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types or in the aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings (or vice versa), that case type data was removed from the data set.

²² Jameson, supra, 5 Cal.5th at 608, fn. 1.

²³ In re Armstrong (1981) 126 Cal.App.3d 565; March v. Municipal Court (1972) 7 Cal.3d 422.

²⁴ People v. Jones (1981) 125 Cal.App.3d 298; People v. Apalatequi (1978) 82 Cal.App.3d 970; see Pen. Code, § 1181(9).



Strong Hearted Native Women's Coalition, Inc.

April 27, 2023

The Honorable Thomas J. Umberg Chair, Senate Committee on Judiciary 1021 O Street, Suite 6730 Sacramento, CA 95814

Re: Support for SB 662 (Rubio) Universal Access to Court Records

Honorable Senator Umberg,

Strong Hearted Native Women's Coalition, Inc. writes in enthusiastic support of SB 662. As an organization that supports survivors of domestic violence, we know the importance of a verbatim record of court proceedings. Our clients rely on the court 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. Court reporters are not required to be at these hearings. However, a record of what happens at these hearings is necessary for many important reasons.

<u>First</u>, there is a particular need for a reporter's transcript in family law proceedings involving domestic violence issues because law enforcement officers are often called upon to enforce domestic violence restraining orders, or child custody and visitation orders that address family violence issues. In these cases, transcripts are needed to craft an accurate post-hearing written order that can be enforced by law enforcement officers.

Second, in custody and visitation cases where the issues are litigated and revisited over many years, transcripts are needed for the court to assess whether there have been significant changed circumstances since the initial determination. Having the transcript from the initial custody or visitation determination provides the court with a factual baseline of the parties' previous behavior to help the judge assess whether alterations to custody or visitation schedules are warranted.

<u>Third</u>, in many California counties, judges serve only one or two years in family court before moving on to another courtroom assignment. As a result, domestic violence survivors are assigned to multiple judges if the case spans more than one or two years, which happens frequently as parents request revisions to custody and visitation determinations over time. Without a transcript detailing the precise basis for the original order, the new family law judge is at a disadvantage in assessing and handling the case.

Fourth, the lack of a reporter's transcript is a particularly severe problem for appeals in family violence cases where the volume of family law and domestic violence cases means that written opinions are the exception, not the rule. As a result, it is nearly impossible to appeal wrong or dangerous decisions since a party may not raise evidentiary issues, or other issues dependent on trial court proceedings or rulings not included in a written order, unless there is a reporter's transcript. (See *Jameson v. Desta* (2015) 241 Cal.App.4th 491, 504 [holding that because "the record on appeal does not contain a reporter's transcript," Jameson was "precluded from obtaining a reversal of the trial court's ruling granting Desta's motion for nonsuit"]; *Foust v. San Jose Construction Co.* (2011) 198 Cal.App.4th 181, 185-186) ["In numerous situations, appellate courts have refused to reach the merits of an appellant's claims because no reporter's transcript of a pertinent proceeding or a suitable substitute was provided."].)

Since 2015 people who qualify for a fee waiver have had the right to request a free court reporter. However, in our county, the court often has to continue our clients cases for weeks or months before a court reporter is available. Preparing to go to court repeatedly is traumatic to our clients and stretches our agency resources unnecessarily. We believe this bill will ensure our clients are able to access safety and justice in a timely manner which is very important.

For these reasons, Strong Hearted Native Women's Coalition, Inc. strongly supports SB 662 and thanks you for authoring this important bill.

Sincerely,

Keely L-G

Strong Fleatieu mative Women's Coalition, Inc.

cc: Family Violence Appellate Project, sponsor (info@fvaplaw.org)



MEANINGFUL ACCESS TO JUSTICE: PROTECTING A LITIGANT'S EQUAL ACCESS TO THE RECORD

- Access to justice means having a record of the court proceedings. A transcript is fundamental to our system
 of justice.
- Every year, appellate courts evaluate and sometimes overturn trial court decisions. Appellate courts exist to correct legal errors, but without an official record of the previous proceedings, there can be no justice.
- As a result of the ongoing court reporter staffing shortage crisis, courts are unable to provide reporters in all case types, including family law, probate and civil matters. Litigants in these case types have no transcript of significant decisions being made impacting their lives. In 2023 over 300,000 hearings took place in Los Angeles County without any transcript, rendering review on appeal impossible. These hearings involve some of the most critical and life-altering legal issues, such as divorce, child custody and domestic violence.
- Despite spending millions to recruit and retain official court reporters, the Superior Court of Los Angeles County continues to experience a vacancy rate of over 100 court reporters.
- But there is an answer: <u>SB 662</u>, filed by Senator Susan Rubio, would expand the use of electronic recording, which is already permitted and used in some case types with little or no issues. In fact, our Appellate Division handles over 500 matters per year using electronic transcripts without complaint.
- This is a constitutional crisis. To achieve equal justice, SB 662 must be passed to expand electronic recording to provide fair and equal justice for all.

QUICK FACTS

WHY ARE TRANSCRIPTS IMPORTANT?

As the California Supreme Court has explained, the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. A parent needing appellate review of a family law judge's custody decision may be denied review all together for lack of a transcript. A domestic violence survivor may have difficulty obtaining an enforceable protective order without a transcript. An employee suing for wrongful termination may be denied an appeal of the matter due to lacking a transcript.

WHERE ARE ALL THE COURT REPORTERS?

Fewer than 32% of aspiring court reporters passed the three most recent certification exams. Only 35 new official court reporters entered the workforce in FY 2021/22 to cover the entire state of California. The average age of current court reporters is 55 years old.

WHY CAN'T COURTS RECRUIT FROM THE PRIVATE SECTOR?

Private-sector court reporters earn \$3,300/day – over \$850,000 annually, on average. Compare that to the median court-employed reporter salary + benefits of \$183,940 plus income from selling transcripts.





THE COURT'S \$10M+ CAMPAIGN TO RECRUIT AND RETAIN COURT REPORTERS IS NOT WORKING

<u>February 2023</u>: Presiding Judge Samantha P. Jessner and Executive Officer/Clerk of Court David W. Slayton announce plans to use nearly \$10 million in state funding to address a court reporter staffing shortage.

<u>September 2023</u>: The Court doubles down on its efforts, describing the court reporter shortage as a "constitutional crisis" and announcing substantially increased recruitment/retainment bonuses, including:

- \$50,000 signing bonus over 2 years; generous school student loan and equipment allowances for court reporter schools; \$5-\$10,000 in retention bonuses; \$25,000 finder's fee for court employees who bring court reporters to the court; 5% floater bonus per pay period and more.
- High-profile recruitment ads in *LA Times, USA Today*, plus bus ads and billboards across LA County.

These abundant outlays of cash have barely allowed the Court to maintain its current CSR staffing. Since the Court announced its robust recruitment and incentives in February 2023...

- o 18 court reporters have left court service
- o 11 court reporters have joined court service, resulting in a
- Net loss of 7 court reporters (as of December 31, 2023)

RECENT MEDIA COVERAGE ON THE COURT REPORTER SHORTAGE

San Francisco Public Press, November 14, 2023

"California's Court Reporter Shortage Limits Access to Justice in Domestic Violence Cases"

Bloomberg Law, September 22, 2023

"Break the Law or Leave No Record, California Courts Face Dilemma"

LAist, September 14, 2023

"Court Reporters are Crucial Part of the Justice System. Here's How a Shortage is Impacting LA County"

Los Angeles Times, July 27, 2023

"Extensive staffing crisis at L.A. County courts puts vulnerable defendants in dire straits"



EXHIBIT 5

AMENDED IN SENATE APRIL 27, 2023 AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 662

Introduced by Senator Rubio

February 16, 2023

An act to add Section—8028 8023.3 to the Business and Professions Code, and to amend Section 69957 of, and to add Section 69957.5 to, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 662, as amended, Rubio. Courts: court reporters.

Existing law establishes the Court Reporters Board of California to license and regulate shorthand reporters. Existing law establishes that a person who holds a valid certificate as a shorthand reporter shall be known as a "certified shorthand reporter," and prohibits any other person, except as specified, from using that title or any words or symbols that indicate or tend to indicate that they are a certified shorthand reporter. A violation of the provisions regulating shorthand reporters is a misdemeanor. reporter." Existing law requires an individual to have satisfactorily passed an examination, as prescribed by the board, in order to be certified as a shorthand reporter.

This bill would authorize the board to issue a provisional certificate, that would be valid for 3 years, to an individual who has passed the Registered Professional Reporter examination administered by the National Court Reporters Association or who is eligible to take the examination to become a certified shorthand reporter approved by the board, as specified. By expanding the scope of a crime, this bill would impose a state-mandated local program.

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SB 662 —2—

This bill would require the board, in consultation with the Office of Professional Examination Services of the Department of Consumer Affairs, to evaluate the necessity of requiring applicants who have passed either the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination to demonstrate competency as a certified shorthand reporter. The bill would require the board to submit its findings to the appropriate policy committees of the Legislature on or before June 1, 2024. The bill would authorize the board to replace the state-specific examination requirement with the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination if the board concludes that the current state-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter.

Existing law authorizes a superior court to appoint official reporters and official reporters pro tempore as deemed necessary for the performance of the duties of the court and its members. Existing law also authorizes a court to use electronic recording equipment to record an action or proceeding in a limited civil case, or a misdemeanor or infraction case, if an official reporter or an official reporter pro tempore is unavailable.

This bill would instead permit a court to electronically record any civil case if approved electronic recording equipment is available. The bill would require a court to provide a certified shorthand reporter, as defined, the right of first refusal to transcribe an electronically reported proceeding. The bill would additionally require that the court make every effort to hire a court reporter before electing to electronically record the action or proceedings pursuant to these provisions.

Existing law appropriated \$30,000,000 in both the 2021–22 and 2022–23 fiscal years to the Judicial Council to be allocated to courts to increase the number of official court reporters in family and civil law cases, as specified.

The bill would require the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters. The bill would require, beginning January 1, 2025, and annually thereafter until all such funds are expended, the Judicial Council to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

-3-SB 662

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.

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The people of the State of California do enact as follows:

- SECTION 1. The Legislature finds and declares all of the 2 following:
 - (a) There is a fundamental right to a verbatim record of any court proceeding because without an accurate record, litigants may not understand what the judge has ordered.
 - (b) The lack of a verbatim record of court proceedings may result in attorneys declining to take cases on appeal or may result in law enforcement being unable to enforce, among others, active restraining orders or child custody and visitation orders.
 - (c) Many Californians, regardless of income, are navigating critical civil legal issues without legal representation or meaningful legal assistance. Nearly 90 percent of people facing eviction are unrepresented, and one or both parties are unrepresented in 70 percent of family law cases. The problem is worse for low-income Californians, particularly communities of color, tribal communities, rural Californians, those with disabilities, those who are limited English proficient, seniors, and people who have experienced domestic violence or sexual assault.
 - (d) Under existing law, the verbatim record may only be captured and transcribed by a certified shorthand reporter (CSR) in California courts, however, since 2013, an exception has been made to allow electronic recording in eviction cases, small claims court, traffic court, and misdemeanor criminal cases.
 - (e) A CSR is required to be provided in felony criminal cases and juvenile justice and dependency cases. In all other types of cases, the court is not required to provide a CSR, except upon the request of an indigent litigant. Parties may arrange for the services of a court reporter in all other cases, at an average cost of \$3,300 per day.

SB 662 —4—

(f) California courts currently employ about 1,200 full-time court reporters. To provide CSRs in mandated cases, courts estimate they will need to hire approximately 650 new court reporters. Over 50 percent of California courts have reported that they do not have CSRs to routinely cover nonmandated cases, including civil, family law, and probate cases, and over 30 percent can never provide CSRs in those cases. Currently, 74.5 percent of courts are actively recruiting official court reporters to fill vacancies throughout California, with 102 court reporter vacancies for the Los Angeles County Superior Court alone.

- (g) Although indigent litigants are entitled to a CSR free of charge, courts are increasingly unable to fulfill those requests. Instead, indigent litigants, including those seeking domestic violence restraining orders, emergency custody orders, and elder abuse and civil harassment protection orders, are forced to choose whether to proceed with their matter without a verbatim record or to return to court at a later date when a CSR may be available.
- (h) In 2022, the Legislature appropriated \$32,000,000 for courts to recruit, hire, and retain CSRs. These funds are meant for courts to offer salary raises, bonuses, and educational benefits to incentivize becoming a court reporter. According to the preliminary fiscal year 2022–23 Schedule 7A, court-employed reporters' median total salary and benefits-is are an estimated \$184,184. This is significantly lower than the cost to hire a court reporter through a private company at \$2,580 per day for a deposition and \$3,300 per day for a trial, on average. Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30 percent. In the 2021–22 fiscal year, California courts spent \$18,400,000 on transcripts.
- (i) Courts must compete with the private market for CSR services and these services are required, on a daily basis, for thousands of non-court proceedings, including depositions, administrative hearings, arbitration hearings, and cases being heard by private judges.
- (j) In 2022, there were 5,605 active CSRs of whom 4,829 listed an address in California. The number of licensed CSRs has been steadily dropping from 8,004 in 2000, to 7,503 in 2010, to 6,085 in 2020, representing a 30-percent decline since 2000.

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(k) According to the National Court Reporters Association, the average court reporter is 55 years of age. In California, 44 percent of all licenses were issued 30 years ago or more.

- (*l*) Applications to take the CSR licensing exam have declined, and the passage rate is low. In 2018, 369 individuals took the licensing exam, and in 2021, only 175 individuals took the exam. Of those, only 40 individuals passed. In 2015, 96 licenses were issued, and in 2021, only 39 licenses were issued. Currently, only 8 court reporter training programs remain in California, down from 16 programs in 2011.
- (m) In January and February of 2023 alone, the Los Angeles County Superior Court was unable to provide a CSR in 52,000 nonmandated civil, family, and probate cases. According to calculations by the court, this will result in over 300,000 cases going without a record this year.
- (n) Where electronic recording is permitted, California has implemented stringent technical standards to ensure the recordings are of high quality and can be transcribed for use to craft orders, provide meaningful access to an appeal, and for use in future proceedings to enforce or modify a court's prior orders.
- (o) Electronic recordings are subject to the same privacy, protection protection, and storage requirements as all other digital records held by California courts, and all California courts are required to maintain digital court files.
- (p) The Court Reporters Board of California should allocate funding toward recruitment and retention by publicizing the profession to high schools, vocational schools, and higher education institutions.
- (q) Courts are encouraged to provide senior CSRs as mentors to provisionally licensed CSRs until the expiration of the provisional license and ensure that courts continue to recruit, hire, and retain CSRs to the fullest extent possible.
- SEC. 2. Section 8028 is added to the Business and Professions Code. to read:
- 8028. (a) The board may issue a provisional certificate to perform the duties of a certified shorthand reporter in a court in this state to an individual who meets either of the following:
- (1) The individual has passed the Registered Professional Reporter examination administered by the National Court Reporters Association.

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1 (2) The individual is eligible to take the examination approved by the board pursuant to Section 8020.

- (b) A provisional certificate issued under this section shall terminate three years from the date of issuance and may not be renewed.
- 6 SEC. 2. Section 8023.3 is added to the Business and Professions 7 Code, to read:
- 8023.3. (a) The board, in consultation with the Office of Professional Examination Services of the Department of Consumer Affairs, shall conduct a review of the examination required for licensure, including all three parts required under Section 2420 of Title 16 of the California Code of Regulations to evaluate the necessity of requiring applicants who have passed either the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination to demonstrate competency as a certified shorthand reporter.
 - (b) The board shall evaluate whether the examination pursuant to Section 2420 of Title 16 of the California Code of Regulations should be replaced with acceptance of the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination to establish proficiency in machine shorthand reporting or voice writing required for licensure.
 - (c) The board shall submit its findings to the appropriate policy committees of the Legislature on or before June 1, 2024, during its regular Joint Sunset Review Oversight Hearings.
 - (d) Notwithstanding any other law, if the board, following the evaluation conducted pursuant to subdivision (a), concludes that the California-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter, the board may vote to replace the examination with the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination. Until that time, the board may otherwise revise its examination requirements based on the evaluation conducted pursuant to subdivision (a).
- on the evaluation conducted pursuant to subdivision (a).
 SEC. 3. Section 69957 of the Government Code is amended
 to read:
- 39 69957. (a) If an official reporter or an official reporter pro 40 tempore is unavailable to report an action or proceeding in a court,

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subject to the availability of approved equipment and equipment monitors, the court may order that, in any civil case, or a misdemeanor or infraction case, the action or proceeding be electronically recorded, including all the testimony, the objections made, the ruling of the court, the exceptions taken, all arraignments, pleas, and sentences of defendants in criminal cases, the arguments of the attorneys to the jury, and all statements and remarks made and oral instructions given by the judge. A transcript derived from an electronic recording may be utilized whenever a transcript of court proceedings is required. Transcripts derived from electronic recordings shall include a designation of "inaudible" or "unintelligible" for those portions of the recording that contain no audible sound or are not discernible. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use and shall only be purchased for use as provided by this section. A court shall not expend funds for or use electronic recording technology or equipment to make an unofficial record of an action or proceeding, including for purposes of judicial notetaking, or to make the official record of an action or proceeding in circumstances not authorized by this section.

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- (b) If a transcript of court proceedings is requested, the court shall provide a certified shorthand reporter the right of first refusal to transcribe the electronically recorded proceeding. For the purposes of this section, "certified shorthand reporter" means the same as in Section 8018 of the Business and Professions Code and includes an individual with a provisional certificate issued pursuant to Section 8028 of the Business and Professions Code. Code.
- (c) The court shall make every effort to hire a court reporter for an action or proceeding before electing to have the action or proceeding be electronically recorded pursuant to subdivision (a).
- (d) Notwithstanding subdivision (a), a court may use electronic recording equipment for the internal personnel purpose of monitoring the performance of subordinate judicial officers, as defined in Section 71601 of the Government Code, hearing officers, and temporary judges while proceedings are conducted in the courtroom, if notice is provided to the subordinate judicial officer, hearing officer, or temporary judge, and to the litigants, that the proceeding may be recorded for that purpose. An electronic recording made for the purpose of monitoring that performance

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shall not be used for any other purpose and shall not be made publicly available. Any recording made pursuant to this subdivision shall be destroyed two years after the date of the proceeding unless a personnel matter is pending relating to performance of the subordinate judicial officer, hearing officer, or temporary judge.

- (e) Prior to purchasing or leasing any electronic recording technology or equipment, a court shall obtain advance approval from the Judicial Council, which may grant that approval only if the use of the technology or equipment will be consistent with this section.
- (f) The Judicial Council shall adopt rules and standards regarding the use of electronic recordings to ensure recordings are able to be easily transcribed.
- SEC. 4. Section 69957.5 is added to the Government Code, to read:
- 69957.5. (a) The Judicial Council shall collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters. Courts shall include whether the court reporters they have hired are court reporters that are returning to court reporting after having left the profession, coming from another court, coming from the private market, or are new to the profession in California.
- (b) Beginning January 1, 2025, and annually thereafter until all such funds are expended, the Judicial Council shall report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent. The report shall include whether the court reporters that have been hired are court reporters that are returning to court reporting after having left the profession, coming from a different court, coming from the private market, or are new to the profession in California. The report shall comply with Section 9795 of the Government Code.
- SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

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- the meaning of Section 6 of Article XIII B of the California
 Constitution.

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EXHIBIT 6



Coun reporter using stenograph machine. Photo: Rick Kopsteln/ALM

Bill to Allow Electronic Recording in Civil Cases Dies in California Legislature

SB 662, becked by the Judicial Council, was opposed by politically powerful labor groups representing countreporters.

January 19, 2024 at 11:25 AM

O 3 minute read

Legislation

Cheryl Miller F

California legislation that would have allowed courts to electronically record civil proceedings when no certified reporters are available died in a fiscal committee Thursday amid opposition from organized labor.

The Senate Appropriations Committee did not call <u>SB 662</u> for a vote, effectively killing the bill before a procedural deadline Friday. The bill's author, Sen. Susan Rubio, D-Baldwin Park, did not respond to a message seeking comment.

SB 662's demise marked the latest falled attempt to expand the use of electronic recording in courtrooms as many trial courts struggle to find enough certified shorthand reporters to cover proceedings. Approximately three-quarters of the state's courts were actively recruiting licensed reporters last year between July and September, according to the most recent <u>figures</u> posted by the Judicial Council.

Politically influential labor groups representing licensed court reporters have successfully fought back any attempt to expand what's now the limited use of electronic recording in courthouses, arguing that the technology is unreliable, a potential privacy risk and a threat to a well-paying profession dominated by women. Court reporters say court administrators haven't recruited effectively to fill vacancies or haven't offered competitive salaries to attract freelancers.

But more money hasn't solved the shortages.

In 2021, the Legislature and governor gave trial courts \$30 million to increase the number of certified reporters in family law and civil cases. The number of court reporters retiring or resigning, however, continues to outpace the number of new hires, according to the Judicial Council.

San Francisco County Superior Court leaders announced this week that they still have 15 court reporter vacancies despite their efforts to entice applicants with a \$30,000 signing bonus and a top-step salary of nearly \$150,000.

"It is essential to find a remedy to close this chasm of injustice that fails litigants who cannot afford to hire their own CSR (certified shorthand reporter) while favoring others with the financial means to pay a court reporter to take a verbatim record of their day in court," Presiding Judge Anne-Christine Massullo said in a statement endorsing SB 662.

SB 662 was co-sponsored by the Family Violence Appellate Project and the Legal Aid Association of California, groups whose leaders say the lack of a verbatim court record makes it difficult for litigants who cannot afford a court reporter to enforce a court order or appeal a decision.

Among the 2024 legislative priorities the Judicial Council is expected to endorse at its meeting Friday is fixing the court reporter shortage and pursuing related "innovations in technology."

In other action Thursday, the Senate Appropriations Committee also declined to take up <u>SB 581</u>, which would have <u>created</u> a regulatory system for nonrecourse financiers that provide up-front money to small-scale litigants to cover personal expenses in exchange for a percentage of any future judgments or settlements.

EXHIBIT 7



March 5, 2024

Hon. Thomas J. Umberg Senator, 34th District 1021 O Street, Suite 6530 Sacramento, California 95814

Dear Senator Umberg:

At the end of December, you requested that we examine the current and future availability of court reporters in the trial courts and provide information no later than March 5, 2024. In addition to any information we deem to be relevant and important, you specifically asked that we provide data and findings in the following key areas:

- Existing policies related to the provision of court reporters across case types and specific proceedings, including how courts are operationally making use of their existing court reporter workforce, the extent to which electronic recording is being utilized because court reporters are not available, and the extent to which there is a lack of record because electronic recording is not permitted by law and a court reporter is not available.
- Existing court reporter levels, the extent to which there is a shortage, and potential factors contributing to a shortage.
- Future availability of court reporters, including the impact of the authorization of voice reporting as a means of producing a verbatim record and trends related to the number of people becoming newly certified.
- Use and impact of the additional ongoing funding provided to increase the number of court reporters in family and civil cases.

LAO Summary. In this letter, we provide background information on court reporting, and information on the current and future overall availability of court reporters in California, as well as their specific availability and use in the trial courts. This includes information on how the availability of court reporters in the trial courts has (1) affected how courts use court reporters and electronic recording, (2) affected the production of records of proceedings, and (3) created operational challenges for the courts. We then provide information on how much is currently spent to support court reporter services as well as how the trial courts have made use of the \$30 million in additional General Fund support provided annually to increase the number of official court reporters in family and civil law proceedings. In addition, we discuss how trial courts are competing with the private sector for court reporters. Finally, we provide key questions for legislative consideration related to the availability of court reporters. To prepare this letter, we evaluated data collected from and/or provided by the Court Reporters Board

Legislative Analyst's Office
California Legislature
Gabriel Petek, Legislative Analyst
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(CRB), Judicial Council, and trial courts, and consulted relevant papers and studies. We also consulted with numerous key stakeholders—notably CRB, trial court administrators, and court reporters—to obtain a diverse range of perspectives and insights.

BACKGROUND

Court Reporters Licensed by State

Court Reporters Create Records of Legal Proceedings. Court reporters create records in court proceedings as well as non-court proceedings (such as depositions). Court reporters can be public employees hired by the courts, private contractors who can be hired individually by the courts or lawyers, or private employees who work for a private firm which can contract with the courts or lawyers to provide services.

Court Reporters Licensed by State to Create Records in Different Ways. State law requires CRB to oversee the court reporter profession. This includes the licensing of court reporters, the registration of all entities offering court reporting services, and the enforcement of related state laws and regulations. Prior to September 2022, court reporters were generally licensed to produce an official verbatim record via a stenographic machine—a specialized keyboard or typewriter used to capture their typed shorthand. These court reporters are generally known as "stenographers." Chapter 569 of 2022 (AB 156, Committee on Budget) authorized voice writing as an additional valid method of creating such a record beginning September 2022 and authorized CRB to issue licenses for court reporters—known as "voice writers"—who use voice writing. Voice writers make verbatim records by using a machine to capture their verbal dictation of shorthand. Court reporters can also be requested to produce transcripts. This requires them to transcribe the shorthand records they produce into a specific written format that can be read by untrained individuals. Chapter 569 also required that licensees—whether they produced a record via stenography or voice writing—be treated the same by CRB and public employers. This specifically includes prohibiting public employers from providing different compensation purely based on the manner in which the licensee produces the record.

Court Reporters Must Qualify for and Pass a Licensing Examination. To receive a court reporter license, individuals must pass a licensing examination, be over the age of 18, and have a high school education or its equivalent. Individuals may qualify for the examination in various ways, such as successfully completing a court reporting school program or having a license from another state. In a May 2023 Occupational Analysis conducted by the Department of Consumer Affairs (DCA), a survey of select court reporters indicated that 90 percent of licensees qualified for the court reporter licensing examination by completing a course of study through a California recognized court-reporting school. The court reporter licensing examination consists of three parts: (1) a written, computer-based English grammar, punctuation, and vocabulary test; (2) a written, computer-based professional practice test evaluating knowledge of statutory and regulatory requirements as well as key legal and medical terminology; and (3) a practical dictation and transcription test in which individuals must be able to transcribe a ten-minute simulated court proceeding at 200 words per minute and with a minimum 97.5 percent accuracy rate.

Court Reporter Licenses Valid for One Year. Court reporter licenses are valid for one year, require the payment of an annual fee, and indicate whether licensees are certified in stenography and/or voice writing. CRB can suspend or revoke licenses if professional standards are not met as well as reinstate them if appropriate. Licensees who fail to pay their fees for three consecutive years are required to retake the licensing examination. Additionally, licensees are required to notify CRB of any name or address changes within 30 days.

Court Reporters Provide Service to Trial Courts

Records of Court Proceedings Are Important for Due Process. A record in court proceedings is important to ensure due process. For example, a lack of a record can mean that not all parties in a case have the same understanding of what occurred in the proceeding (such as the specific conditions of a restraining order). It can also make it difficult for an appeal to succeed. In addition, a record is often necessary to substantiate a claim of judicial misconduct. This is because, without a record, it can be difficult for the Commission on Judicial Performance—which is responsible for adjudicating claims of judicial misconduct—to investigate and resolve such claims.

Court Reporters Required to Make Records in Certain Court Proceedings. State law mandates court reporters prepare official verbatim records of certain court proceedings. This includes felony and misdemeanor, juvenile delinquency and dependency, and select civil case proceedings. However, even in non-mandated proceedings, trial courts may choose to provide a court reporter if one is available. If the trial courts are unable to (or choose not to) provide court reporters in non-mandated proceedings, litigants are allowed to hire and bring their own private court reporters to make a record of proceedings at their own expense. State law generally requires that court reporters provided by the trial courts be present in person.

Court Reporters Paid for by Courts or Litigants Depending on Various Factors. The trial courts bear the costs for providing court reporters in mandated proceedings and may choose to bear the cost in cases where they elect to provide court reporter in certain non-mandated proceedings. However, for non-mandated civil proceedings, state law generally requires a \$30 fee be charged for proceedings lasting an hour or less and that actual costs generally be charged for proceedings lasting more than an hour. Because the actual cost is charged, the amount paid can vary by court. Despite this general policy, trial courts are required to provide and pay for court reporters in non-mandated civil proceeding for those individuals who request one and are low income enough to qualify for and be granted a fee waiver by the courts (known as Jameson cases). Court reporters separately charge courts (generally in mandated proceedings) and litigants (generally in non-mandated proceedings) for the costs of preparing transcripts.

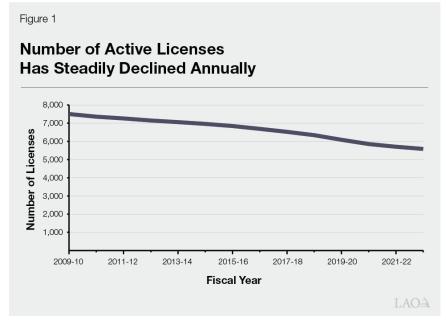
Electronic Recording Used in Lieu of Court Reporters in Certain Proceedings. If a court reporter is not available, state law authorizes trial courts to use electronic recording to make a record in infraction, misdemeanor, limited civil, and Jameson civil case proceedings. When electronic recording is used in lieu of a court reporter, the proceedings are recorded by equipment in the courtroom. Courts may charge a fee to provide a copy of a recording to a litigant—typically to cover the court's cost of providing the recording. In some cases, electronic

recordings can be used in lieu of a record produced by a court reporter. In other cases, an electronic recording must be transcribed to produce a transcript.

OVERALL AVAILABILITY OF COURT REPORTERS IN CALIFORNIA

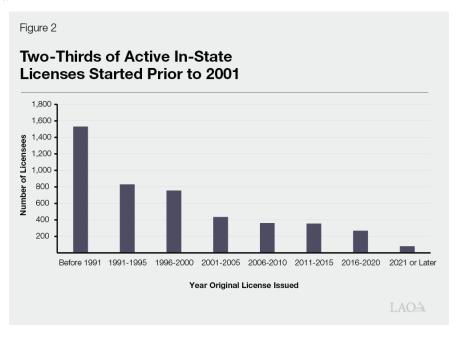
Current Availability of Court Reporters Declining and Geographically Concentrated

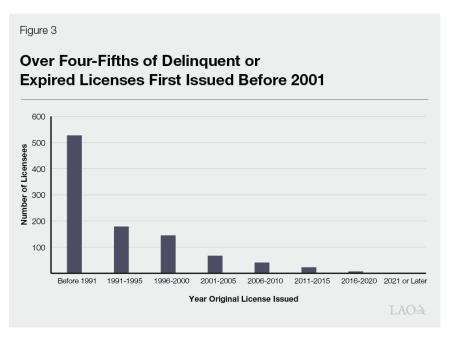
Number of Licensed Court Reporters Declining. The number of court reporters with active licenses has steadily declined over the last 14 years. As shown in Figure 1, the number of court reporters with active licenses declined from 7,503 licenses in 2009-10 to 5,584 licenses in 2022-23—a decline of 1,919 licenses (26 percent). Of the 5,584 active licensees in 2022-23, 4,752 (85 percent) reported being in state and 832 (15 percent) reported being out of the state or out of the country. (The number of active in state licensees is particularly relevant as state law generally requires that court reporters provided by the trial courts be present in person.) We would also note that the number of active licensees reporting being out of the state or out of the country has increased in recent years. Specifically, 188 more active licensees reported being out of state or out of the county in 2022-23 than in 2019-20—an increase of 29 percent.



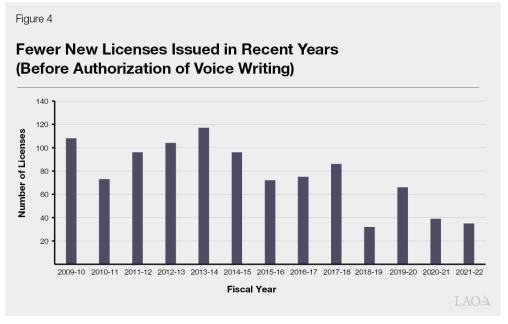
Many Existing Court Reporters Could Be Approaching Retirement. In examining court reporter licensee data as of January 2024, there were 5,444 active court reporter licensees—of which 4,618 were in state and 826 were out of the state or out of the country. As shown in Figure 2 on the next page, about two-thirds of active in-state licensees (3,115 individuals) received their initial license prior to 2001—more than 23 years ago. Additionally, the number of licensees receiving their initial license in recent years has declined. This suggests that the existing court reporter licensee population is generally older and that a major share of them could be eligible for retirement in the near future. Further supporting this conclusion, the data reflected

about 990 delinquent or expired licenses as of January 2024. As shown in Figure 3, 86 percent of these licensees (851 individuals) received their initial license prior to 2001. This suggests that it is possible that many of the individuals who allowed their license to become expired or go delinquent did so due to retirement. Finally, the DCA May 2023 Occupational Analysis indicated that about 40 percent of court reporter survey respondents self-reported being ten years or less from retirement.





New Licenses Generally Decreasing in Years Before the Authorization of Voice Writing. As shown in Figure 4, the number of new licenses issued by CRB has generally declined in recent years. It is important to note, however, that this data does not reflect the time period after the authorization of voice writing in September 2022. The number of new licenses issued has fluctuated between 2009-10 and 2021-22—ranging from a high of 117 licenses in 2013-14 to a low of 32 licenses in 2018-19. In the two years just prior to the authorization of voice writing, there were relatively few new licenses. Specifically, there were 39 new licenses in 2020-21 and 35 new licenses in 2021-22, which could reflect the impacts of the COVID-19 pandemic.

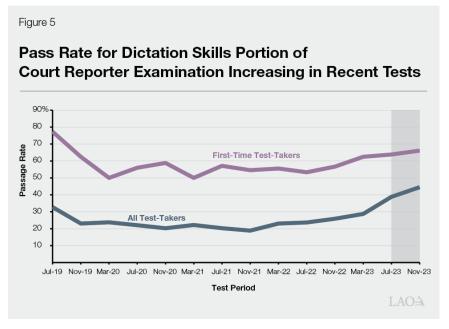


Court Reporters Geographically Concentrated. As of January 2024, active licensees are physically located in 54 out of the state's 58 counties. Consistent with the state's overall population distribution, licensees tend to be geographically concentrated in certain counties. Specifically, out of the 4,618 in-state active licensees, nearly 38 percent were located in two counties—1,101 licensees (24 percent) in Los Angeles County and 654 licensees in Orange County (14 percent). Another ten counties had between 100 to 355 active licensees each—representing about 39 percent of the active licensee population. In total, this means that a little more than three-quarters of the active in-state licensees are located in 12 counties. This is notable as court reporters provided by the courts are generally required to appear in person at court facilities. As such, certain courts may have more difficulty than others in meeting their need.

Future Availability of Court Reporters May Increase Due to Voice Writing

Voice Writing Could Increase Licensing Examination Passage Rates. As voice writing was authorized as a valid method for producing a record only in September 2022, there is currently limited data to assess its impact. However, there are some early promising signs that voice writing could help increase the number of individuals passing the licensing examination. In conversations with stakeholders, our understanding is that the dictation skills portion of the licensing examination is easier to pass for voice writers than stenographers. This is because

individuals generally speak naturally at a faster rate than they can type, which can make it easier for voice writers to complete their court reporting school programs and meet the minimum speed and accuracy thresholds to pass the dictation portion of the exam. As shown in Figure 5, the overall pass rate for the dictation skills portion of the court reporter examination has increased in the two most recent tests offered in July and November 2023—the first two months in which voice writers from court reporting school programs took the test. Specifically, the pass rate for all test-takers increased from 29 percent in the March 2023 test to 45 percent in the November 2023 test. The idea that the overall higher passage rates in July and November 2023 are potentially due to the high passage rates of voice writers is supported by data on dictation skills test results for those coming out of a court reporter school program. Specifically, in looking at the July 2023 results, voice writers (all first-time test-takers) averaged a pass rate of 50 percent and stenographers averaged a pass rate of 23 percent. Similarly, in looking at the November 2023 results, voice writers averaged a pass rate of 73 percent and stenographers averaged a pass rate of 13 percent.



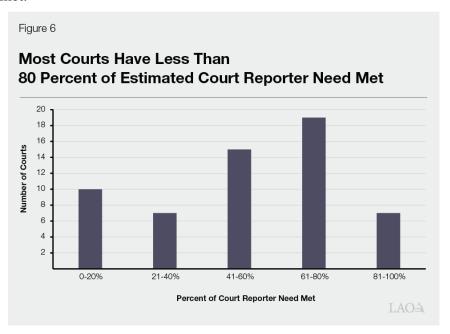
Voice Writing Could Increase Number of Individuals Pursuing Court Reporting Careers. In conversations with stakeholders, the seemingly higher pass rate for voice writers and the shorter time needed to complete court reporting school programs for voice writers could result in more people seeking to become court reporters. (As mentioned above, most individuals qualify for the court reporting licensing examination by completing a school program.) Stakeholders shared that court reporting schools have begun offering voice writing programs and indicated that at least some schools now have wait lists of students. Supporting this perspective, since the authorization of voice writing in September 2022, four out of eight registered California reporting schools have had voice writing students from their programs taking the dictation portion of the court reporter examination. Additionally, as of January 2024, CRB reports 30 individuals being licensed as voice writers and 4 being licensed as both stenographers and voice writers. In addition, with shorter program lengths and higher passage rates for voice

writing, it could be fiscally beneficial for more schools to offer voice writing or for schools to offer more slots or classes in voice writing as more students can be processed at a lower cost compared to stenography. As such, the authorization of voice writing could help increase the total number of active court reporter licensees in the near future.

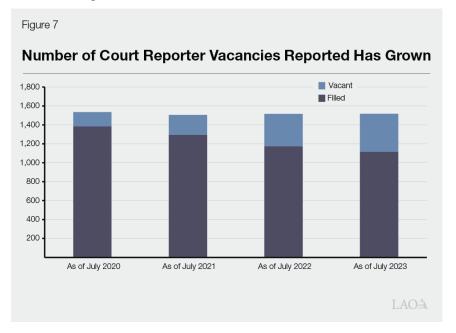
AVAILABILITY OF COURT REPORTERS IN CALIFORNIA TRIAL COURTS

Number of Court Reporters Below Reported Need and Declining

Actual Number of Court Reporters Less Than Need Identified by Judicial Branch. Using 2022-23 data, the judicial branch indicates that 1,865.5 full-time equivalent (FTE) court reporter staff would be needed for trial courts to provide court reporters in all proceedings—except for infractions, misdemeanors, and limited civil proceedings in which electronic recording is authorized. (For the purposes of counting FTEs, two half-time employees are counted as one FTE.) This estimate was reached by assuming the courts would need 1.25 FTE court reporters for each judicial officer. The trial courts also report that about 1,164 FTE positions (69 percent) were filled in 2022-23—which leaves 691 FTE positions (37 percent) that the judicial branch estimates would need to be filled to provide court reporters in all proceedings where electronic recording is not authorized. (We note that this difference may actually be greater. After comparing conversations with certain court administrators with data, we believe that some FTE positions reported as filled may not actually be regularly filled. This is because some FTE positions may have been reported as filled despite court reporters having retired or being out on the leave for part or most of the year.) The specific need, however, varies by court. For example, the Kings court reports having filled FTEs sufficient to meet only 15 percent of its estimated need. In contrast, the San Mateo court reports having filled FTEs sufficient to meet 84 percent of its estimated need. As shown in Figure 6, most courts currently have less than 80 percent of their estimated need met.



Increased Vacancies at Courts. Through a survey we administered with nearly all trial courts responding, trial courts have reported a marked increase in the number of court reporter FTE vacancies they are experiencing. (We would note trial courts, in contrast to state agencies, have greater flexibility in the creation and elimination of positions. Trial courts individually may also treat position counts differently. As such, the actual number of vacancies could be higher or lower than reported.) As shown in Figure 7, court reporter FTE vacancies have increased from 152 FTE positions as of July 2020 (a 10 percent vacancy rate) to 400 FTE positions as of July 2023 (a 25 percent vacancy rate). This is despite increased efforts by trial courts to actively recruit new court reporters—including by offering significant compensation-related benefits beginning in 2022-23. (These benefits, which are partially or fully supported by \$30 million in dedicated annual state funding, are discussed in more detail later in this letter.)



Departures Not Offset Despite Increased Hiring. While nearly all trial courts responded to the survey we administered, not all courts were able to provide the data we requested related to new hires and departures. The data received, however, indicate that the number of court reporter FTEs leaving courts has not been offset by increased FTE hiring numbers. Trial courts reported roughly between 150 to 200 departures each year between 2020-21 and 2022-23. In contrast, trial courts reported hiring 71 new FTEs in 2020-21, which increased to 104 new FTEs in 2022-23. However, as shown in Figure 8 on the next page, these new hires were not sufficient to replace the departures—leading to a net loss of court reporter FTE positions—consistent with the increased vacancies described above. The number of courts actively recruiting for new court reporter employees also increased from 29 courts in 2020-21 to 42 courts in 2022-23—an increase of 45 percent. Courts indicated that some common reasons for departures included retirement, going into the private market, and resignation.

| New Hires Unable to Offset Departures | | | | |
|---|---------|---------|---------|--|
| | 2020-21 | 2021-22 | 2022-23 | |
| Departures (FTE) | 152 | 200 | 149 | |
| New hires (FTE) | 71 | 88 | 104 | |
| Net loss (FTE) | 81 | 111 | 45 | |
| Number of courts who actively recruited for new court reporters | 29 | 39 | 42 | |

Courts Starting to Hire Voice Writers. To date, seven courts have reported hiring voice writers. In examining data from courts that were able to provide hiring data, about 9.3 FTE out of 60.5 FTE new hires (15 percent) were voice writers. In addition, about 80 percent of trial courts expressed no preference between court reporters creating a record via stenography versus voice writing. The remainder who expressed a preference for stenography generally indicated that, for most of them, the preference was due to a current lack of familiarity with voice writing. It seems as if this can be easily overcome by demonstrations and education to make courts more knowledgeable and confident in voice writing. This suggests the authorization of voice writing could have a positive impact in helping the trial courts address their identified court reporter need.

Current Availability of Court Reporters Has Impacted Courts in Various Ways

Availability of Court Reporters Has Affected How Courts Assign Court Reporters to **Proceedings.** Existing trial court polices for use of court reporters varies by court based on operational and budgetary choices, as well as on the overall availability of court reporter employees and private court reporters. In the past, when court reporter availability was sufficient, our understanding was that court reporters were generally assigned to a specific courtroom or judge. Over time, due to the decline in the availability of court reporters at the trial courts, this policy has changed. Now, some courts assign their court reporters to specific courthouse locations, courtrooms, or calendars. Other courts place their court reporters in a pool by case type or location and assign them out as needed. Still other courts have some court reporters that are designated as "floaters" who are available to be assigned to any proceeding or location as needed. Courts may also use a combination of these methods. For example, a court may assign court reporters to criminal and juvenile courtrooms as those generally have mandated proceedings and pool court reporters available for civil cases to assign them out for specific proceedings that may need to be covered. Court reporters who finish their assignment earlier than expected may then be assigned to another courtroom. Finally, trial courts may contract with a private firm or hire private court reporter contractors to cover vacancies, scheduled or unscheduled court reporter absences, and unexpected demand for court reporter services.

Availability of Court Reports Has Limited the Types of Proceedings Court Reporters Are Provided in. The availability of court reporters in each trial court also shapes what types of proceedings a court reporter may be provided for. All trial courts typically provide court reporters in felony and juvenile proceedings as mandated by law. While court reporters are also generally

mandated in misdemeanor proceedings, some courts use electronic recording in these proceedings when a court reporter is not available as allowed by law (this is discussed in greater detail below). Courts generally do not provide court reporters in infraction cases. There are more significant differences in civil case types—including general civil, family, probate, and mental health proceedings. While a select number of civil proceedings are required to be covered by a court reporter, trial courts have more discretion in whether other civil proceedings are covered. This leads to more significant differences between trial courts. For example, courts differ in whether court reporters are provided in restraining order proceedings and conservatorship proceedings. However, over time, courts have slowly withdrawn court reporters from various civil proceedings. For example, the Santa Cruz court stopped regularly providing court reporters in probate cases in 2018, in Department of Child Support Services proceedings in 2021, and civil and family restraining orders in 2023. Most courts currently do not provide court reporters in non-mandated civil proceedings, but may attempt to do so if court reporter resources are available. For example, one court reported attempting to ensure a court reporter was available to cover domestic violence restraining order proceedings after the court ensured that all mandated proceedings were covered.

Availability of Court Reporters Has Resulted in Courts Using More Electronic Recording. The availability of court reporters has resulted in more courts turning to electronic recording to create records in misdemeanor and limited civil (including eviction cases that fall within the threshold) proceedings. Electronic recordings may also be used in other civil proceedings, such as those subject to a Jameson request or at the direction of the court. For example, the Presiding Judge in the Ventura court issued an administrative order in February 2023 specifying that (1) court reporters will no longer be provided in family law contempt proceedings given the lack of available court reporters and (2) electronic recording was authorized to create the record instead as such proceedings were quasi-criminal in nature.

Limited Data on Extent to Which Availability of Court Reporters Affects Whether Records Are Created. Due to technological constraints, trial courts generally had some difficulty providing comprehensive information on the number of proceedings (1) in which records were created in 2022-23, (2) that were statutorily required to have a record made, (3) in which a record was made because it was requested by one of the participants, (4) in which electronic recording is being utilized because court reporters are not available, and (5) in which there is a lack of record because electronic recording is not permitted by law and a court reporter is not available. About two-thirds of the trial courts were able to provide some data, but with varying levels of completeness. Based on this data, the trial courts reported:

- 5.1 million proceedings across all case types in 2022-23 had a record created. Of this amount, 2.1 million were made via electronic recording—1.9 million in criminal proceedings, about 350 in juvenile proceedings, and about 185,100 in civil proceedings. The remaining 3 million records were made by a court reporter—2.2 million in criminal proceedings, about 390,300 in juvenile proceedings, and about 409,500 in civil proceedings.
- 1.6 million proceedings across all case types in 2022-23 had no record created. This consisted of about 717,700 criminal proceedings (of which about 60 percent were infraction proceedings), nearly 22,700 juvenile proceedings (of which about

89 percent were dependency proceedings), and about 864,100 civil proceedings lacking records. For the civil proceedings lacking records, the most common proceedings lacking records were unlimited civil proceedings (44 percent), non-child support family law proceedings (33 percent), and probate proceedings (14 percent).

Availability of Court Reporters Has Created Operational Challenges. As noted above, the judicial branch estimates that only 62 percent of total court reporter need was met in 2022-23. However, the estimated need differs significantly by court. Based on data provided by trial courts, as well as conversations with stakeholders, the diminished availability of court reporter employees and private court reporters has presented the following key operational challenges:

- courts frequently need to spend staff time and resources placing calls to find private court reporters to cover planned and unplanned absences as well as any increased demand (such as if more criminal cases than expected are going to trial). They also must routinely spend staff time assigning court reporters to different courtrooms multiple times in a day. For example, a court reporter covering a calendar which ends before noon may then get assigned to another courtroom to provide coverage on another calendar or a particular case. Similarly, staff must spend time facilitating the presence of private court reporters hired by attorneys and litigants to cover specific cases. For example, when multiple private court reporters are present in a single courtroom for a particular calendar, court staff must dedicate time to scheduling the proceeding to accommodate them (such as to ensure that they can be physically or remotely present to make a record of the proceedings).
- Delays and Changes to Court Schedules and Calendars. Courts also can be forced
 to adjust schedules and calendars to account for the availability of court reporters.
 This can include starting a calendar later as well as delaying or continuing cases.
 Courts indicate that Jameson cases are examples of key cases that may get continued
 or delayed if court reporters are not available.
- Competition Between Courts for Court Reporters. The decline in court reporter employees has led to courts competing with one another to hire court reporters. Our understanding from conversations with stakeholders is that this has prompted differences in the amount of benefits (such as signing bonuses) offered to incentivize court reporters to be employed directly by the trial courts (which we discuss in more detail below) as well as the total compensation packages offered by trial courts. Additionally, key stakeholders indicated that the rates paid to private court reporters to provide coverage have also increased over time. Since private court reporters are able to choose whether they accept a particular assignment or not, differences in the amounts courts are willing to pay can also result in courts competing with one another for private court reporter services. In conversations with stakeholders, it appears that court reporters are generally aware of the compensation offered by courts—as well as how courts generally use and treat their court reporters.

• Pay for Non-Court Reporting Positions. Based on conversations with stakeholders, certain court administrators are considering how court reporter compensation compares to compensation for other positions within the court (such as managers or information technology administrators). Some concern was expressed that increases in court reporter compensation caused by competition for court reporters could result in their pay exceeding those of managers and other professional classifications. This could put pressure on administrators to increase compensation for those positions—and thus overall operational costs.

TRIAL COURT SPENDING ON COURT REPORTERS

Amount Spent by Trial Courts to Support Court Reporter Services

More Than \$200 Million in Estimated Court Reporter Expenditures Annually. The judicial branch estimates that more than \$200 million is spent annually on court reporters or to create a record in trial court proceedings. (This does not include the \$30 million provided annually beginning in 2021-22 to increase court reporters in family and civil cases, which are discussed later in this letter.) As shown in Figure 9, an estimated \$237 million was spent on such services. Of this amount, \$214 million was estimated to be spent on court reporter services—\$209 million budgeted for court employees and \$5 million actually spent on private contract services. (Due to information technology system constraints, the judicial branch was not able to provide data on the specific amount actually spent on court employees.) The remaining \$23 million was spent on transcript costs as well as costs related to electronic recording. Between 2020-21 and 2022-23, the amount spent on court employees has decreased, while the amount spent on contract services as well as transcripts and electronic recording has increased.

| Estimated Amount Spent on (Creating a Record ^a (In Millions) | Court Re | porters a | ınd |
|--|-----------|-----------|-----------|
| | 2020-21 | 2021-22 | 2022-23 |
| Court employees (budgeted) | \$227.1 | \$221.8 | \$209.1 |
| Contract services (actuals) | 2.8 | 3.8 | 5.1 |
| Subtotals | (\$229.9) | (\$225.6) | (\$214.1) |
| Transcripts and electronic recording (actuals) | \$12.7 | \$18.0 | \$22.6 |
| Subtotals | (\$12.7) | (\$18.0) | (\$22.6) |
| Totals | \$242.7 | \$243.5 | \$236.8 |

Fees Authorized Only Offset a Portion of Civil Court Reporter Expenses. State law authorizes \$30 of certain civil filing fees be set aside as an incentive for courts to provide court reporters in civil proceedings. This funding is only available to trial courts who actually provide such services. (We note that Judicial Council has the authority to use these revenues to help support trial court operations.) Additionally, as noted above, state law generally requires a

\$30 fee be charged for proceedings lasting an hour or less and that actual costs generally be charged for proceedings lasting more than an hour in non-mandated civil proceedings. As shown in Figure 10, nearly \$22 million in fee revenue was collected from the authorized fees. Of this amount, \$18 million came from the share of filing fees set aside as an incentive to provide court reporter services in civil cases. The remaining \$4 million came from fees charged for non-mandated civil proceedings lasting less than one hour (\$2 million) and those lasting more than one hour (\$2 million). The judicial branch estimates that \$80 million was spent on providing court reporter services in civil proceedings generally in 2022-23. (We note that, because trial courts do not track court reporter time by individual case type, the judicial branch estimates that about 37.5 percent of court reporter time is spent on civil proceedings. This percentage was then applied to the total amount spent on court reporter services.) Accordingly, if this full \$22 million in fee revenue was used to offset court reporter costs in civil proceedings, it left a net cost of \$59 million to be supported by trial court operational funding.

| About One-Quarter of Civil Court Re (In Millions) | porter Costs Offset | by Fee Revenu | ıe |
|---|----------------------------------|----------------------------------|----------------------------------|
| (III WIIIIGI IS) | 2020-21 | 2021-22 | 2022-23 |
| Estimated Offsetting Fee Revenue for Court Reporte | rs in Civil Proceedings | | |
| Share of certain civil filing fees Proceedings lasting more than one hour Proceedings lasting less than one hour Subtotals | \$16.7 2.1 3.7 (\$22.5) | \$16.0 2.0 3.3 (\$21.3) | \$17.5 1.9 2.1 (\$21.5) |
| Civil Costs Not Offset by Fees | | | |
| Estimated costs of court reporters in civil cases Estimated offsetting revenue | \$86.2 22.5 | \$84.6 21.3 | \$80.3 21.5 |

Impact of Dedicated Funding for Increasing Court Reporters in Family and Civil Proceedings

State Provided Funding to Increase Court Reporters in Family and Civil Law Proceedings. Beginning in 2021-22, the state budget has annually included \$30 million from the General Fund to be allocated by Judicial Council to the trial courts to increase the number of court reporters in family and civil law proceedings. The budget prohibits the funding from supplanting existing monies used to support court reporter services in such cases and required any unspent monies revert to the General Fund. Judicial Council allocated the funding to individual trial courts proportionately based on the level of judicial workload in noncriminal cases, but ensured that the smallest courts received a minimum of \$25,000 in order to be able to support a 0.25 FTE court reporter position.

Amount Reverted Initially High, but Now Declining. As shown in Figure 11 on the next page, only \$1.1 million of this allocation (4 percent) was spent in 2021-22—resulting in the reversion of \$28.9 million (96 percent). In conversations with stakeholders, the lack of expenditures seems attributable to differences in the interpretation of budget bill language specifying how the monies could be used. The 2022-23 budget package included amended

budget bill language to provide greater clarification on how this dedicated \$30 million could be used. (This language is also included in the 2023-24 budget and in the proposed 2024-25 budget.) Under the amended language, trial courts are specifically authorized to use the money for recruitment and retention, filling existing vacancies, converting part-time positions to full-time positions, increasing salary schedules, and providing signing and retention bonuses in order to compete with the private market. As shown in Figure 11, the amount spent increased substantially to \$20.3 million of the allocation (68 percent) in 2022-23—resulting in the reversion of \$9.7 million (32 percent). Additionally, the number of courts making expenditures using this money increased from 8 courts in 2021-22 to 44 courts in 2022-23. Through the first half of 2023-24, 26 courts have already reported using a share of this funding.

| Figure 11 | | | | | |
|---|---------------------------|----------------------------|------------------------------------|--|--|
| Amount of Dedicated \$30 Million Spent and Reverted | | | | | |
| | 2021-22 | 2022-23 | 2023-24 (Through December 2023) | | |
| Number of courts making expenditures | 8 | 44 | 26 | | |
| Budget allocation Expenditures | \$30,000,000 1,125,140 | \$30,000,000 20,282,279 | \$30,000,000 3,634,589 | | |
| Amount Reverted | \$28,874,860 | \$9,717,721 | - | | |

Amounts Spent on Similar Categories of Benefits. As shown in Figure 12, trial courts spent their monies in similar categories. In 2021-22, the most common expenditures were to increase existing employee salaries and to fill existing vacancies. In 2022-23, retention bonuses were the most common expenditure area.

| Amount of \$30 Million Spent | CALL STREET, S | 5000.00 |
|---|--|--------------|
| Category of Spending | 2021-22 | 2022-23 |
| Increasing Existing Employee Salaries | \$278,661 | \$5,048,287 |
| Filling Existing Vacancies | 976,523 | 3,920,621 |
| Retention Bonuses | | 8,446,147 |
| Signing Bonuses | 7,000 | 499,803 |
| Recruiting | 18,878 | 346,966 |
| Converting Part-Time Positions to Full-Time | - | - |
| Other | 48,021 | 2,264,632 |
| Totals | \$1,329,083 | \$20,526,456 |

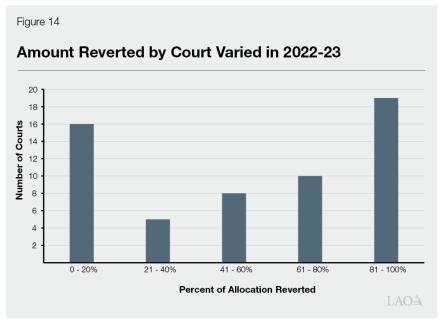
Specific Benefits Offered Vary by Court. As shown in Figure 13 on the next page, a number of courts are offering benefits in areas in which the \$30 million in dedicated funding can be spent. However, based on their needs, the local market for court reporters, and various other local factors (such as the cost of living), these offerings can look very different. For example, the Los Angeles court offered an up to \$50,000 signing bonus for a new full-time court reporter employee (with a specified amount payable after every six months) that remained employed for two years in

2023-24. This bonus is limited to the first 20 new FTE hires since it was first offered. In contrast, the Humboldt court offered a \$10,000 signing bonus paid in four equal installments over the first year of employment. Similarly, courts are offering various benefits based on their needs—which are captured in the "Other" category. Common expenditures in this area include finders/referral fees; professional, equipment, and technology stipends; tuition reimbursement for court reporting school; increased rates or services from private contractors; and other costs.

| Estimated Number of Courts Offering Benefits by Area | | | | |
|--|---------|---------|------------------------|--|
| Category of Spending | 2021-22 | 2022-23 | 2023-24 (Estimated) | |
| Increasing Existing Employee Salaries | 4 | 24 | 19 | |
| Filling Existing Vacancles | 8 | 14 | 13 | |
| Retention Bonuses | - | 28 | 17 | |
| Signing Bonuses | 1 | 21 | 19 | |
| Recruiting | 4 | 14 | 15 | |
| Converting Part-Time Positions to Full-Time | - | - | 1 | |
| Other | 4 | 26 | 24 | |

Amount Reverted by Court Varied in 2022-23. As shown in Figure 14 on the next page, the amount reverted by each trial court varied in 2022-23. Approximately 64 percent (37 trial courts) reverted more than 40 percent of their share of the \$30 million dedicated allocation. Various factors could account for why courts may have spent more or less of their allocation. For example, expenditures could have been delayed due to the need to obtain union approval to offer a particular benefit (such as to increase existing court employee salaries). In addition, whether costs are incurred from offering certain benefits (such as a signing bonus or court reporting school tuition reimbursement) depends on whether court reporters or others respond to the benefit. For example, a court that offers a signing or referral bonus will not incur expenditures if no one chooses to apply to become a court reporter at that court.

Allocation Benefited Mostly Existing Employees. In examining data provided by those courts who were able to report this level of data, it appears that the dedicated \$30 million allocation—when spent—benefited significantly more existing court reporter employees than new hires, as shown in Figure 15 on the next page. For example, over 90 percent the of the employees (996 FTEs) benefitted in 2022-23 were existing employees. Some of the benefits offered—such as increasing salaries for existing employees, retention bonuses, and longevity bonuses—are specifically targeted to existing court reporter employees. Delaying their departure helps prevent trial court need for court reporters from growing worse. However, the benefits offered to existing employees to encourage them to stay also likely benefit some employees who had no intention of leaving, meaning a portion of such expenditures do not directly increase the availability of court reporters. Other benefits offered—such as signing bonuses or increasing the starting salary for court reporters—are more targeted towards new hires. Such new hires can help reduce the number of court reporter vacancies at a court—directly increasing the availability of court reporters.



| Figure 15 | | | |
|----------------------------------|---------------|---------|---------|
| More Existing From \$30 Milli | | | |
| | 2021-22 | 2022-23 | 2023-24 |
| Number of Full-Time | Equivalent Po | sitions | |
| Existing employees | 185 | 996 | 871 |
| | | | 144 |
| New hires | 27 | 82 | 54 |

Full Impacts of Benefits Offered by Courts Still Unclear. The full impacts of the benefits supported by the \$30 million in dedicated funding are still unclear. This is because the trial courts only began making use of this funding in a significant way in 2022-23 with 44 courts making expenditures. In addition, trial courts have been adapting what is being offered based on the responses they receive. For example, certain courts increased the amount they offered for certain benefits—such as bonuses and stipends—in order to attract more applicants and potential hires. As such, the impacts of these modified benefits may not yet be fully realized. Additionally, in conversations with stakeholders, the trial courts have also offered or are considering offering new types of benefits to potentially attract more court reporters. For example, we have heard that some courts are authorizing part-time court reporter positions and may be considering partnerships to help court reporter students (in particular voice writers) successfully complete their programs and pass the licensing examination. Some of these changes—such as authorizing part-time court reporter positions—may have limited fiscal costs but could have meaningful impact on court reporters. However, the full impacts of the benefits—some of which may be novel or creative—may not be observed until they are fully implemented and tested.

TRIAL COURTS COMPETING WITH PRIVATE SECTOR FOR COURT REPORTERS

Active In-State Licensees Exceed Trial Court Need

In 2022-23, California had 4,752 active, in-state, licensed court reporters. From a May 2023 DCA occupational analysis of court reporters, 41 percent of surveyed court reporters reported that their primary work environment was the court—roughly 1,948 individuals. In the same year, the judicial branch estimated 1,866 FTE court reporters would be needed to provide court reporters in all proceedings except infraction, misdemeanor, and limited civil proceedings and that 1,164 FTEs were currently providing service. While multiple individuals can comprise a single FTE, this gap suggests that there are a number of court reporters who predominantly provide service to the courts but are choosing not to be directly employed by the trial courts. This would include private court reporters who the courts contract with to provide services when court reporter employees are unavailable. Additionally, there are a number of licensees who are choosing to be employed by the private market and not work for the court system. In combination, this suggests trial courts could be having difficulty competing with the private market to procure court reporter services—thereby causing some of the operational difficulties including competition between trial courts, described above.

Three Key Factors Impacting Trial Court Ability to Compete With Private Sector

In conversations with various stakeholders, we identified three key factors that seem to be impacting trial courts' ability to compete with the private sector to attract court reporter employees. This then also creates competition between courts. We discuss each factor in more detail below.

Perception of Higher Compensation in Private Sector. There is a perception that compensation in the private sector is greater than in the trial courts as private court reporters particularly those who are hired by attorneys—are able to charge desired rates by case or proceedings. We have heard, for example, that this can result in a couple of thousand dollars being charged per day or even half-day. However, we note that it is difficult to fully compare compensation for trial courts' court reporter employees with those in the private market. Court reporter employees generally receive, in addition to their salary, health and other benefits, as well as retirement or pension benefits which are guaranteed for being available during a set period of time regardless of whether their services are needed. In contrast, while private court reporters are free to charge the rate they desire, they generally do not receive the same level of health, retirement, and other benefits as court reporter employees. Additionally, they are not paid if they do not work, sometimes including in cases where they have reserved time for a trial that does not occur (such as due to the case being settled at the last minute). (We note, however, that some private court reporters have negotiated cancellation charges to help partially offset such losses in compensation.) This means the rates that private court reporters charge must cover their benefits as well as time that is spent not being employed. As such, private court reporters have less stable income and work hours. Thus, while private court reporters may earn more per day they are working, some may ultimately be compensated less over the course of a year.

Accordingly, it difficult to assess whether the full compensation provided to court reporter employees is higher or lower than that earned by private court reporters.

Perception of Better Working Conditions in Private Sector. From conversations with stakeholders, working conditions are another key factor impacting whether court reporters choose to be court reporter employees at the trial courts or private court reporters. Court reporters hired by the court generally work for the entire business day physically in courtrooms. A number are no longer assigned to the same courtroom and/or judge and, as a result, are constantly moving between courtrooms—or even entire facilities (such as driving from one courthouse to another in a day)—as directed by court administration. They also generally do not have a choice in what proceedings they are assigned to create a record for. Busy calendars can also lead to court reporter employees having to keep up with the quick pace and length of the calendar. For example, stakeholders have expressed that court reporter employees new to the industry sometimes struggle to keep up. Some court reporter employees are also effectively required to prepare transcripts outside of their normal working hours because they are in court for most of the day. As noted above, court reporters separately charge for the preparation of transcripts meaning that some court administrators view this as work that should not be done during the business day, which is compensated via the court reporter's salary. In combination, stakeholders have indicated that this can make the work environment very stressful as well as physically and mentally draining. In contrast, private court reporters have much more flexibility in their working conditions. Most notably, private court reporters are able to pick and choose which courts they work in and what cases or proceedings they are willing to cover. This provides significant flexibility to determine how many hours they work, including the amount of time spent in the courtroom. Additionally, private court reporters are able to provide services remotely—which allows them to work at more courts and provides them with flexibility to maximize their working time that otherwise would be spent on travel. If they must be present in person, they are able to negotiate travel expenses as well. In combination, stakeholders indicate that this flexibility allows private court reporters to create the work environment they desire. Moreover, higher levels of autonomy can generally boost overall morale. As such, stakeholders indicated that this flexibility was of great enough importance that the trade-off of less guaranteed income and potentially less net total compensation in working was deemed worthwhile.

Trial Court Recruitment and Retention Activities Could Be Insufficient. It is unclear whether current trial court activities are sufficient to recruit (and retain) new court reporters in the trial courts. The trial courts need to be proactive at ensuring there is steady supply of court reporters willing to work for them as they are a major employer of court reporters and require them to provide litigants with due process in court proceedings. However, it appears that many licensed court reporters are currently unwilling to work for the trial courts. This is evidenced by the fact that the number of active in-state court reporter licenses exceeds trial court need yet the trial courts continue to indicate they have an unmet need. While the trial courts have recently become more actively engaged by offering the benefits discussed above, data suggest this seems to have had limited impact on bringing new hires to the courts in the short run. For example, the reported number of court reporter employees departing has continued to outpace the number being hired. As such, the trial courts may need to consider expanded or improved recruiting activities. For example, some sort of collaboration with schools or new hires to guarantee

employment or provide real-life practical experience could be utilized to recruit people to go to court reporting school as well as to increase the likelihood new court reporters succeed in the trial courts and choose to remain employed there. Similarly, targeted recruiting activities—such as by conducting a survey of what benefits or working conditions would be attractive enough for private court reporters to choose to become and remain public employees—would provide helpful insight to inform how trial court compensation or working conditions may need to be adjusted to recruit more individuals. Absent these increased targeted recruitment efforts, it will likely be difficult for trial courts to meaningfully compete with the private market for court reporter services and ensure their needs are met on an ongoing basis

KEY QUESTIONS FOR LEGISLATIVE CONSIDERATION

The data and information provided in conversation with stakeholders suggest that the trial courts are having difficulty obtaining and maintaining a sufficient number of court reporters. More importantly, this means that courts are also having difficulty providing a record in all of the proceedings that could benefit from it. Below, we provide eight key questions that would be important for the Legislature to answer when determining what action(s) should be taken should the Legislature decide to address these issues.

Is the Availability of Court Reporters in Trial Courts a Limited-Term or Long-Term Problem? The Legislature will need to decide whether the difficulty the trial courts are having to hire and retain sufficient court reporters is a limited-term or long-term problem. Given that voice writing has just been authorized, its full impact on the overall court reporter licensee population has yet to be realized. However, there are promising signs that voice writing may both increase overall court reporter licensees as well as court reporter availability in the trial courts. If the Legislature believes that there will be more court reporters in the near future, it can focus its actions on more immediate term fixes to address trial court difficulty in the short run. For example, the Legislature could temporarily authorize the use of electronic recording in more case types for a couple of years or temporarily allow for court reporters to appear remotely to increase their availability (as they would not need to travel between court locations). However, if the Legislature determines this is a longer-term issue (such as if it believes there will always be a robust and competitive private market), more structural changes in how trial courts employ and/or use court reporters may be necessary.

What Methods of Making a Record Should Be Permissible? The Legislature will need to decide what methods of making an official record should be permissible. This includes whether a record can be made by electronic recording, a court reporter provided by the court, or a private court reporter employed by an attorney or litigant. Under current law, electronic recording is limited to certain proceedings—though some courts have expanded its use in critical proceedings to ensure due process given the lack of available court reporter resources. Allowing for its expansion could help reduce the need to for court reporter services by the trial courts and increase the number of records that are made in the short run (such as if the expansion was granted for a short, defined period) or in the long run (such as if the expansion was indefinite). Expansion of electronic recording could also help improve due process and equity. This is because in the absence of a court reporter, a record will not be made unless an attorney or litigant

pays for their own court reporter. This means individuals who cannot afford a court reporter could end up lacking a record of their case, making it harder for them to appeal or to substantiate a claim before the Commission on Judicial Performance related to judicial misconduct. It could also reduce overall trial court operational costs as electronic recording generally has lower ongoing costs to operate and generate records. This is a notable benefit given the state's budget problem.

Should Court Reporters Be Allowed to Appear Remotely? State law has authorized the ability for judicial proceedings to be conducted remotely—including ones which involve court reporters. However, under existing law, court reporters provided by the courts are generally required to be present in the courtroom. In contrast, private court reporters contracted by the court, attorneys, or litigants may appear remotely. The Legislature may want to consider the trade-offs of having a court reporter being physically present in a courtroom versus being present remotely while creating the record. These trade-offs may differ by case type or proceeding. If there is not a substantial difference, allowing trial courts to use their court reporter employees remotely could free up more of their court reporters' time (such as by minimizing the need to travel), improve overall court operational efficiency, and improve working conditions for some court reporters. This could help improve recruitment and retention.

Should Court Reporter Resources Be Pooled Between Courts? Currently, individual courts hire court reporter employees and private court reporters to cover cases in their respective county. The ease of finding such coverage varies by court based on their geographic location and other factors. As such, the Legislature could review whether the pooling of court reporters between courts, such as regionally or statewide—would be appropriate. For example, the Legislature could determine that it would be appropriate to maintain a regional or statewide pool of court reporters to temporarily fill in for court reporter vacancies or absences (in a manner similar to the assigned judges program). This could help reduce or even eliminate the need for individual trial courts to constantly seek private court reporters to fill any coverage gaps. The Legislature could also consider even going further by pooling all court reporters statewide and allowing them to cover cases remotely on a regular basis rather than just to cover temporary vacancies. We note that doing so would minimize the competition between courts for court reporters. It could also provide greater flexibility to incorporate court reporter desires related to the number of hours worked and/or the types of proceedings they individually cover. However, this would likely require significant negotiations with unions as contracts with court reporters are currently established on a court-by-court basis.

Should the Courts Work With Court Reporting Schools or Others to Improve Recruitment and Retention? Because the courts are a major employer of court reporters in the state, the Legislature could consider whether there is a need for the courts to work more closely with court reporting schools, court reporters, or others (such as high schools) to recruit, train, and prepare people to work successfully in a trial court setting. This could include a stipend and/or tuition reimbursement offered while individuals are in school or training or after they have worked in the court for a certain number of years (similar to a loan repayment program). It could also include allowing court reporting students to intern in the courts, such as by practicing making

records and getting feedback from existing court reporters. Given the state's budget condition, however, new state funding to support such options is unlikely to be available in the near term.

How Many Court Reporters Do Trial Courts Need? As noted above, the judicial branch provided its estimated need for court reporter services assuming 1.25 FTE court reporters are needed per judicial officer, excluding the case types for which electronic recording is authorized. However, decisions made by the Legislature could change how many court reporters are needed. For example, the Legislature could (1) choose to expand electronic recording to certain case types (decreasing the need for court reporters), (2) match the number of court reporters to number of courtrooms in which court reporters are now necessary (which would be less than the 1.25 FTE per judicial officer), and (3) utilize a statewide pool of court reporters to cover for any temporary vacancies or absences. This would have the effect of reducing the number of court reporters needed by the trial courts. Depending on the specific choices made by the Legislature, more or less court reporter FTEs could be needed by the trial courts.

How Should Court Reporters Be Funded? The Legislature will want to consider how it wants to fund court reporters moving forward. Currently, support for court reporters is generally included as part of the funding for overall trial court operations. This means that funding can be used for other costs based on the priorities and needs of individual trial courts. If the Legislature determines that court reporter funding is of a high enough priority to segregate it to ensure it can only be used for that purpose, the Legislature could consider making it a specific line item in the budget. This would be similar to funding provided for court-ordered dependency counsel and court interpreters. We note that taking this step would be necessary if the Legislature chose to pool court reporter resources statewide. The Legislature could also consider the extent to which fees are used to support court reporter services. If higher fees are charged and more revenue is collected, it could help offset any increased costs from other changes intended to increase the availability of court reporters (like new recruitment programs). Alternatively, it could help reduce the General Fund cost of court reporting services, a notable benefit given the state's budget problem. The Legislature could also consider other changes, such as reducing or standardizing the fees charged, which could make access to court records more equitable. This could be difficult if the loss in fee revenue was backfilled with General Fund support given the state's budget condition, however. Finally, the Legislature may want to consider whether it makes sense to expand the use of the \$30 million originally provided to increase court reporters in family and civil proceedings to all proceedings. This is because trial courts will need to prioritize coverage in mandated proceedings first.

How Can Government Compete With the Private Market? The Legislature will want to consider the extent to which it is willing to compete with the private market and what actions it would like to take to do so. It may be difficult for the state to compete with the hourly or daily pay rate offered in the private market. As such, the Legislature could instead consider whether there are changes that could be made to working conditions to make court employment more attractive. For example, this could include allowing remote appearance, offering part-time employment, or allowing court reporters to work on transcripts during the business day. To address competition between courts, as well as the private market, the Legislature could also consider whether to standardize compensation either statewide or in regions of the state. For

example, judges across the state generally receive the same compensation. The Legislature could also consider the extent to which private court reporters hired by attorneys or litigants are permitted to make records in courts. Restricting access to the courts could encourage more private court reporters—particularly those that are already primarily working with the courts as private contractors—to become court reporter employees. However, it would require that the state take steps to ensure it attracts sufficient employees to no longer need to rely on private court reporters. This could include taking some of the steps we describe above, such as allowing remote appearance, increased work flexibility, or other options to improve working conditions. While it could also include increasing compensation, this could be difficult given the state's budget condition. Alternatively, the state could reduce its need for court reporters by authorizing more proceedings to be covered with electronic reporting. If the Legislature is not willing to take such steps, restricting private court reporter access to the trial court could worsen the problem if more court reporters depart and there is no access to court reporters.

We hope you find this information helpful. If you have any questions or would like to further discuss this issue, please contact Anita Lee of my staff at Anita.Lee@lao.ca.gov or (916) 319-8321.

Sincerely,

Gabriel Petek Legislative Analyst

& Di Peter

EXHIBIT 8

MEMORANDUM OF UNDERSTANDING BETWEEN THE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES AND THE JOINT COUNCIL OF THE

LOS ANGELES COUNTY COURT REPORTERS ASSOCIATION AND SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 721, CTW, CLC REGARDING THE LOS ANGELES SUPERIOR COURT REPORTERS UNIT

THIS MEMORANDUM OF UNDERSTANDING MADE AND ENTERED ON

JANUARY 16, 2024

BY AND BETWEEN: Authorized Management Representatives

(hereinafter referred to as "Management") of the Superior Court of California, County of Los Angeles (hereinafter referred to as "Court")

AND Joint Council of Los Angeles County Court

Reporters Association and SEIU, Local 721, CTW, CLC (hereinafter referred to as "Joint Council" or

"Union")

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ARTICLE 1 PURPOSE

It is the purpose of this Memorandum of Understanding to promote and provide for harmonious relations, cooperation and understanding between Management and the employees covered by this Memorandum; to provide an orderly and equitable means of resolving any misunderstandings or differences which may arise under this Memorandum of Understanding; and to set forth the full and entire understanding of the parties reached as a result of good faith negotiations regarding the wages, hours and other terms and conditions of employment of the employees covered by this Memorandum, which understanding the parties intend jointly to submit and recommend for approval and implementation to the Executive Officer/Clerk of Court.

<u>ARTICLE 2</u> <u>RECOGNITION</u>

Section 1

Pursuant to the provisions of applicable state law, Management hereby recognizes the Los Angeles County Court Reporters Association, Los Angeles County Employees Association, SEIU, Local 721, (hereinafter referred to as Joint Council) as the exclusive representative of the Los Angeles Superior Court Reporters comprised of:

Official Court Reporters and Court Reporters Pro Tempore

Section 2

Management agrees that it will recognize the Joint Council as the exclusive representative for members of this Unit within the scope of negotiations affecting wages, hours and working conditions.

<u>ARTICLE 3</u> <u>IMPLEMENTATION</u>

This Memorandum of Understanding constitutes a mutual recommendation to be jointly submitted to the Executive Officer/Clerk of Court. It is agreed that this Memorandum of Understanding is not binding upon the parties unless and until the Executive Officer/Clerk of Court acts to approve said Memorandum of Understanding.

Following ratification by members of this Unit, Management will expedite the submission of this Memorandum of Understanding to the Executive Officer/Clerk of Court for approval.

Implementation will be effective as of the date approved by the Executive Officer/Clerk of Court.

<u>ARTICLE 4</u> <u>AUTHORIZED AGENTS</u>

For the purpose of administering the terms and provisions of this Memorandum of Understanding:

- A. Management's principal authorized agent is the Executive Officer/Clerk of Court or duly authorized representative (address 111 North Hill Street, Room 105E, Los Angeles, California 90012), except where a particular Management representative is specifically designated in connection with the performance of a specified function or obligation set forth herein.
- B. SEIU, Local 721's principal authorized agent is the Executive Director, or their duly authorized representative, at the following address: 1545 Wilshire Boulevard, Los Angeles, CA 90017; (213) 368-8660.

ARTICLE 5 OBLIGATION TO SUPPORT

The parties agree that subsequent to the execution of this Memorandum of Understanding and during the period of time said Memorandum is pending before the Executive Officer/Clerk of Court for action, neither the Union nor Management nor their authorized representatives, will appear before or meet with the Judges individually to advocate any amendment, addition, or deletion to the terms and conditions of this Memorandum of Understanding.

ARTICLE 6 NON-DISCRIMINATION

The parties mutually recognize and agree fully to protect the rights of all employees covered hereby to join and participate in the activities of the Union and all other rights provided by the Trial Court Employment Protection and Governance Act. No employee will be interfered with, intimidated, restrained, coerced or discriminated against because of the exercise of these rights. The provisions of this Memorandum of Understanding will be applied equally to all employees covered hereby without favor or discrimination because of race, color, age, national origin, political or religious affiliation, disability status, gender or sexual orientation.

The use of all nouns, pronouns, and adjectives contained in this Agreement are used in their generic sense and are not intended to indicate any distinction based upon gender.

ARTICLE 7 TERM

The term of this Memorandum of Understanding will commence on the date when the terms and conditions for its effectiveness, as set forth in Article 3, IMPLEMENTATION, are fully met, but in no event will said Memorandum of Understanding become effective prior to 12:01 a.m. on January 16, 2024.

This Memorandum of Understanding expires and will be fully terminated at 11:59 p.m. on December 31, 2026, unless the parties are still in negotiation over a successor MOU. In that event, the MOU will be extended until the parties reach agreement on a successor MOU or one or both of the parties declares impasse.

<u>ARTICLE 8</u> <u>RENEGOTIATION</u>

In the event either party hereto desires to negotiate the provisions of a successor Memorandum of Understanding, such party will serve upon the other during the period of September 1, 2026 to September 15, 2026, its written request to commence negotiations as well as its initial written proposals for such successor Memorandum of Understanding.

Negotiations will begin no later than October 15, 2026. A party wishing to declare impasse will provide advance notice of at least 15 days.

ARTICLE 9 GRIEVANCE PROCEDURE

Section 1 Purpose

The purpose of the grievance procedure is to provide a just, equitable and expeditious method for the resolution of grievances without reprisal against any employee or employees who may submit or be involved in a grievance.

Section 2 Definitions

- 1. Wherever used, the term "employee" means either employee or employees, as appropriate.
- 2. "Grievance" means a complaint by an employee or a group of two (2) or more employees concerning the interpretation or application of the provisions of this Memorandum of Understanding or of rules and regulations governing personnel practices or working conditions, which complaint has not been resolved satisfactorily in an informal manner between an employee(s) and their immediate supervisor.
- 3. "Business Days" means calendar days exclusive of Saturdays, Sundays and legal holidays.

Section 3 Responsibilities

- 1. The Union agrees to encourage employees to discuss their complaint with their immediate supervisor. The immediate supervisor will, upon request of an employee, discuss the employee's complaint with them at a mutually satisfactory time.
- 2. An employee who files a formal written grievance will state clearly in the grievance the specific action(s) complained of, the article(s) allegedly violated and the specific remedy requested. To the best of the individual's ability, the employee will also state the provisions of the Memorandum of Understanding allegedly violated.

- 3. Management has the responsibility to:
 - A. Respond only to the specific complaint cited in the grievance as originally presented; and
 - B. Inform an employee of any limitation of the Court's authority to fully resolve the grievance; and
 - C. Direct the employee to the proper agency or authority to process their grievance, where such information may be known to Management.

Section 4 Waivers and Time Limits

- 1. Failure by Management to reply to the employee's grievance within the time limits specified automatically grants to the employee the right to process any unresolved grievance to the next hearing level.
- 2. Any level of review or time limits established in this procedure may be waived or extended by mutual agreement confirmed in writing.
- 3. If an employee fails to appeal from one level to the next within the time limits established in this procedure, the grievance will be considered settled on the basis of the last decision and the grievance will not be subject to further appeal or reconsideration.
- 4. A grievance may be referred to a prior level for reconsideration by mutual agreement confirmed in writing.

Section 5 Employee Rights and Restrictions

- 1. The employee has the right to the assistance of a representative in the preparation of a formal written grievance, and to represent them in formal grievance meetings. The grievant may be required to be present in meetings with Management for purposes of discussing the unresolved grievance.
- 2. An employee selected as a representative in a grievance will be required to obtain the permission of their immediate supervisor to absent themselves from their work assignment to attend a grievance meeting. The employee representative will give their supervisor reasonable advance notice to ensure that their absence will not unduly interfere with Court operations.

3. An employee may present their grievance to Management on Court time. In scheduling the time, place and duration of any grievance meeting, both the employee and Management will give due consideration to the duties each has in the operation of the Court. No employee will lose their rights because of Management imposed limitations in scheduling meetings.

Section 6 The Parties' Rights and Restrictions

- 1. None of the Parties will unreasonably delay the processing of a grievance at any step of the established procedure.
- 2. Only a person selected by the employee and made known to Management prior to a scheduled formal grievance meeting will have the right to represent or advocate as an employee's representative.
- 3. The employee may elect to be represented in a formal grievance meeting. The Court may designate a Management representative to be present at such meeting.
- 4. A Union representative has the right to be present at any formal grievance meeting concerning a grievance that directly involves the interpretation or application of the specific terms and provisions of the Memorandum of Understanding.
- 5. Management will notify the Union of any grievance involving the terms and conditions of this Memorandum of Understanding.
- 6. If a Union representative elects to attend any formal grievance meeting, they must inform Management prior to such meeting. The Court may also designate a Management representative to be present at such meetings.
- 7. Only Court employees who have direct, first-hand knowledge of the event(s) giving rise to the employee complaint may be called on as witnesses by the grievant. Any such witnesses may attend formal grievance meetings on paid court time with the prior approval of their immediate supervisor or Management.
- 8. The Union and Management agree that the same procedures as stated in Section 7 may be utilized in order to provide an effective mechanism whereby disagreements between the Union and Management concerning the interpretation or application of applicable

provisions of this Memorandum of Understanding affecting the rights of the parties of the working conditions of 2 or more employees in the Unit may be effectively resolved. Such disagreements include, but are not limited to, those that may affect a group of employees working in the same building, or a group of employees working in different buildings.

Section 7 Procedures

1. Informal Complaint

An employee is encouraged to discuss their complaint in a meeting with their immediate supervisor. The immediate supervisor will, upon request of the employee, discuss the employee's complaint with them at a mutually satisfactory time. If the employee elects to have a Union representative attend such meeting, the supervisor may elect to have another Management representative present.

2. Grievance Procedure

Step 1: <u>Immediate Supervisor</u>

A. Within ten (10) business days from the occurrence of the matter on which the complaint is based, or within ten (10) business days from the date the grievant should reasonably have had knowledge of such occurrence, whichever is later, an employee may file a formal written grievance.

The Court grievance form will be completed by the employee stating the nature of the grievance, the provisions of the Memorandum of Understanding allegedly violated and the remedy requested. The employee will have the option to either submit the grievance form using an email service to their immediate supervisor's Court email address and may use an electronic signature in lieu of a wet signature, or personally submit the grievance form to their immediate supervisor.

B. Within ten (10) business days from receipt of the grievance, the supervisor or Management designee will meet with the employee. Within ten (10) business days following such meeting, the supervisor or Management designee will render a

decision in writing and forward the response via electronic service from a Court email address to the employee's Court email address or designated email address.

Step 2: <u>Management</u>:

- A. Within ten (10) business days of the receipt of the decision at Step 1, the employee may appeal to the appropriate level of Management, as previously identified, using a copy of the unresolved grievance and forward by electronic service.
- B. Within ten (10) business days from the receipt of the grievance appeal to Step 2, the Court Manager or designated representative not serving at Step 1 will discuss the grievance with the employee, and if applicable, the employee's representative, before a decision is reached. Thereafter, the Court Manager or designated representative will provide to the employee a written decision within ten (10) business days via email following the grievance meeting using a copy of the grievance.

Step 3: <u>Executive Officer/Clerk of Court:</u>

- A. Within ten (10) business days from receipt of the decision at Step 2, the employee may appeal to the Executive Officer/Clerk of Court or designated representative using the grievance form and forward by electronic service.
- B. Within ten (10) business days from the date the submitted grievance appeal to Step 3 is received, the Executive Officer/Clerk of Court or designated representative who has not been involved in the grievance in prior levels will discuss the grievance with the employee. Thereafter, the Executive Officer/Clerk of Court or designee will provide to the employee a written decision within ten (10) business days via email following the grievance meeting.
- C. If the Executive Officer/Clerk of Court or designated representative fails to give a decision within the specified time limit, the Union may opt to refer the unresolved grievance alleging a violation of the negotiated agreement between the parties to arbitration.

D. On matters that are not subject to arbitration pursuant to Section 8 hereafter, the decision of the Executive Officer/Clerk of Court or designated representative will be final.

Section 8 Arbitration

- 1. Within thirty (30) business days from receipt of the written decision of the Executive Officer/Clerk of Court or designated representative, the Union may request that the unresolved grievance be submitted to arbitration.
- 2. Only those grievances which directly concern or involve the interpretation or application of the specific terms and provisions of this Memorandum of Understanding may be submitted to arbitration hereunder. In no event will such arbitration extend to:
 - A. The interpretation, application, merits or legality of any state, or local law or ordinance, including specifically all ordinances applicable to the Court, unless the arbitrator, in their discretion, finds it necessary to interpret or apply such state or local law in order to resolve the grievance which has been submitted to the arbitrator.
 - B. The interpretation, application, merits or legality of any or all personnel rules or regulations of the Court, unless the arbitrator, in their discretion, finds it necessary to interpret or apply such personnel rules or regulations in order to resolve the grievance which has been submitted to the arbitrator.
 - C. Written Record of Conference.
 - D. Performance Evaluations with an overall rating of the equivalent of competent or better.
- 3. In the event the Union desires to request that a grievance, which meets the requirements of Paragraph B hereof, be submitted to arbitration, it will within the time requirements set forth above, send a written request to the Executive Officer /Clerk of Court or designated representative. The written request will set forth the specific issue(s) still unresolved through the grievance procedure, which are to be submitted to arbitration.

- 4. Selection of an arbitrator will take place as follows:
 - A. Within an additional sixty (60) business days from notification by the Union of a desire to arbitrate the unresolved grievance, the parties will attempt to select a neutral arbitrator from a mutually agreed source. If the parties cannot agree on an arbitrator, they will attempt to select an arbitrator from a list of five (5) names requested immediately thereafter from the State Mediation and Conciliation Service through an alternate striking of names from that list. The party to strike the first name will be determined by chance.
 - B. During each arbitration process, each party will have one (1) opportunity to unilaterally reject the arbitration panel or list of names provided by the State Mediation and Conciliation Service and immediately request an additional panel.
- 5. Arbitration of grievances hereunder will be conducted generally within sixty (60) business days from the selection of the arbitrator and in accordance with applicable provisions within Code of Civil Procedure, Section 1280 et seq. However, Sections 1283 and 1283.05 will not apply. The fees and expenses of the arbitrator will be shared equally by the parties involved; it being understood and agreed that all other expenses including, but not limited to, fees for witnesses, a stenographic reporter transcripts and similar costs incurred by the parties during such arbitration will be the responsibility of the individual party involved.
- 6. Not less than fifteen (15) days prior to the hearing, a representative of the Court and the Union will meet and prepare a submission statement setting forth the issue(s) to be determined by the arbitrator. In the event the Court and the Union cannot jointly agree on a submission statement, then at the hearing, each party will present to the arbitrator its own submission statement in which case the arbitrator will determine the issue(s) to be resolved.
- 7. The written decision of an arbitrator resulting from any arbitration or grievances hereunder will not add to, subtract from, or otherwise modify the terms and conditions of this Memorandum of Understanding.
- 8. The written decision of an arbitrator resulting from any arbitration of grievances hereunder will be entirely advisory in nature and will in no way be binding upon any of the parties hereto or appealable and will be rendered within thirty (30) calendar days following conclusion of the hearing.

9. The written decision of the arbitrator will be submitted to the Executive Officer/Clerk of Court or designated representative and the Union. The Executive Officer/Clerk of Court or designated representative will advise the Union of their intentions concerning the arbitrator's decision within ten (10) business days.

If the Executive Officer/Clerk of Court or designated representative rejects the arbitrator's decision, the decision is final. The Union may file a writ to appeal it.

ARTICLE 10 PERFORMANCE EVALUATION

In accordance with Court Policy, performance evaluations will be prepared prior to the completion of the initial twelve (12) month rating period following appointment or promotion for all bargaining unit members and at least once annually thereafter.

ARTICLE 11 GRIEVANCE MEDIATION

- 1. This procedure is an alternate dispute resolution and does not supersede the provision of Article 9, Grievance Procedure.
- 2. Only those grievances which meet the requirements for submission to arbitration pursuant to Article 9, Section 8, can be submitted to grievance mediation. Both the Union and Management must mutually agree to submit a qualifying grievance to grievance mediation.
- 3. After completion of the third step of the grievance procedure and by mutual agreement either Management or the Union, may request the assistance of a mediator from the State Mediation and Conciliation Service to resolve the grievance. It is the intent of the parties that the grievance mediation session will begin as soon as practicable consistent with the mediator's schedule.
- 4. The parties agree that no stenographic or tape recorded record of the session will be made, there will be no representation by Counsel, and there will be no pre- or post-hearing briefs filed.

- 5. The mediator's role will be to assist the parties to reach agreement. The mediator will not have authority to impose a settlement on the parties. Any final settlement of the grievance will be reduced to writing and signed by Management, the Union and the grievant. The final agreement will be binding on all parties. Final agreements reached by the parties will not be published or precedent setting in any other dispute.
- 6. The mediator may provide the parties with a private, informal non-binding assessment of the procedural and substantive merits of the dispute, and how an arbitrator may likely decide the grievance.
- 7. All mediation sessions will be confidential. The content of the mediation proceedings including, but not limited to, settlement proposal or any concessions agreed to or offered during mediation will not be admissible in an arbitration or this grievance or any other similar dispute.
- 8. The parties agree that the provisions of this article will not be subject to arbitration.

ARTICLE 12 GRIEVANCE GENERAL IN CHARACTER

In order to provide an effective mechanism whereby disagreements between the Union, and Management concerning the interpretation or application of applicable provisions of this Memorandum of Understanding affecting the rights of the parties or the working conditions of a significantly large number of employees in the Unit may be effectively resolved, the following procedures are agreed upon:

A. Where the Union has reason to believe that Management is not correctly interpreting or applying any of the provisions of this Memorandum of Understanding, the Union, may request in writing that a meeting be held with the authorized representatives of the Court who have authority to make effective recommendations for the resolution of the matter with a copy to the Trial Court Administrator or their designated representative. Such written request will be submitted within thirty (30) business days from the occurrence and will set forth in detail the facts giving rise to the request for the meeting, provisions within the MOU that have been allegedly violated, and the proposed resolution sought.

- B. Within ten (10) business days of receipt of the request of such a meeting, the parties will meet for the purpose of discussing and attempting to resolve the disagreement(s).
- C. Within ten (10) business days of such meeting, and in the event the matter is not satisfactorily resolved, the Union, will have the right to meet with the Executive Officer/Clerk of Court or designated representative in an attempt to resolve the matter.
- D. Within ten (10) business days after the meeting, the Executive Officer/Clerk of Court or their designated representative will respond to the Union in writing setting forth Management's decision and reasons therefore.
- E. Within ten (10) business days from receipt of the Executive Officer/Clerk of Court or designee's written decision if the matter is not satisfactorily resolved, and if the disagreement(s) meet the requirements of Section 8 of Article 9, the disagreement may be submitted to arbitration in accordance with the provisions of Section 8 of Article 9 of this Memorandum of Understanding.

It is further understood that this Article is not intended as a substitute or alternative for the grievance procedure set forth in Article 9 of this Memorandum of Understanding. Instead, this Article is intended to provide a procedure to resolve disagreements affecting the rights of the parties or disagreements arising from the applications of the terms of this Memorandum of Understanding affecting the working conditions of a significantly large number of employees in this unit as distinguished from the rights of individual employees. Accordingly, the parties agree that the procedures set forth herein will not be implemented where the dispute or complaint involved is or could be effectively brought by an employee or employees, and otherwise processed through the grievance procedures set forth in Article 9 hereof.

ARTICLE 13 EXPEDITED ARBITRATION

1. This is an alternative to the procedures set forth in Section 8 (Arbitration) of Article 9, Grievance Procedure, and will only be utilized upon mutual written agreement of the parties.

- 2. A joint submission statement setting forth the issue(s) to be determined will be prepared prior to the hearing by an arbitrator. If the parties cannot agree to a submission statement, the expedited arbitration procedure will not be utilized.
- 3. Only those grievances that directly concern or involve the interpretation or application of the specific terms and provisions of this Memorandum of Understanding may be submitted to arbitration hereunder. In no event will such arbitration extend to:
 - A. The interpretation, application, merits, or legality of any State law unless the arbitrator, in their discretion, finds it necessary to interpret or apply such State law in order to resolve the grievance, which has been submitted to the arbitrator.
 - B. The interpretation, application, merits, or legality of the personnel rules or regulations, unless the arbitrator, in their discretion, finds it necessary to interpret or apply such rules or regulations in order to resolve the grievance which has been submitted to the arbitrator.
- 4. The parties will select an arbitrator from the panel of arbitrators previously agreed to by the parties and established for the purpose of conducting expedited arbitration
 - A. The arbitrator will be compensated at the contracted for flat daily rate. The cost of the arbitrator will be borne equally by the parties. In addition, each party will pay for all fees and expenses incurred by that party on its behalf, including but not limited to, witness fees.
 - B. The parties agree that 1) no stenographic or tape recorded record of the hearing will be made, 2) there will be no representation by counsel, and 3) there will be no post hearing briefs.
- 5. The arbitrator selected will hear the grievance(s) within ten (10) business days of their selection and may hear multiple cases during the course of the day.
- 6. Arbitration of a grievance hereunder will be limited to the unresolved issue(s) of the formal written grievance as originally filed by the employee to the extent that said grievance has not been satisfactorily resolved.

- 7. The arbitrator will issue a "bench" decision at the conclusion of the parties' testimony. Only by mutual agreement of the parties and the arbitrator will a written decision be issued.
- 8. The decision of an arbitrator resulting from the arbitration of a grievance hereunder will be binding upon the parties.

ARTICLE 14 PAYROLL DEDUCTIONS AND DUES

Section 1 Deductions and Dues

It is agreed that the Union shall have access to EHR as provided by the County to administer dues and deductions in accordance with the provisions of applicable State law.

Remittance of the aggregate amount of all dues and other proper deductions made from the salaries of employees covered hereunder is administered via a transaction between the County and the Union.

Section 2 Voluntary Authorizations

The Union shall have access to EHR to deduct Union dues from the salary of each employee who has submitted a written authorization to the Union. Such an authorization shall continue in effect unless revoked in writing by the employee. Any revocation by the employee shall comply with the terms of the Union written authorization, which the Court shall honor. If the employee complies with the terms of the Union written authorization, such revocation shall be in accordance with the written authorization.

The Union certifies that it has and will maintain individual employee authorizations. The Union shall not be required to submit to the Court a copy of an employee's written authorization unless a dispute arises about the existence or terms of the written authorization.

Employee requests to cancel or change authorizations for dues payments or payroll deductions shall be directed to the Union; and the Court shall forward any employee requests it receives to the Union. The Union shall be wholly responsible for processing these employee requests.

Section 3 Indemnification Clause

The Union agrees to indemnify and hold the Los Angeles Superior Court and the County of Los Angeles harmless from any liabilities of any nature which may arise as a result of the application of the provisions of this Article.

Section 4 Miscellaneous

- A. By the end of the month, the Court will furnish the Union with a list of employees containing the name, date of hire, salary, classification, and work location of all employees who enter the bargaining unit and the names of all employees who left the bargaining unit during the preceding month.
- B. Should the Union request additional information relevant to the provisions of this Article, it shall submit a request in writing to the Court. The Court shall endeavor to provide a response to the request for information within fourteen (14) calendar days, unless otherwise mutually agreed to.
- C. All information provided by the Court pursuant to this Article shall be current as of the date of preparation and accurate to the Court's knowledge.

ARTICLE 15 MANAGEMENT RIGHTS

The employer retains, solely and exclusively, all rights, powers, and authority that it exercised or possessed prior to the execution of this Memorandum of Understanding (MOU) except as specifically limited by an express provision of this MOU or otherwise agreed to by the parties. Additionally, it is the exclusive right of Management to determine its mission, to set standards of services to be offered to the public, and exercise control and discretion over its organization and operations. It is also the exclusive right of

Management to direct its employees which will include but is not limited to appointments, assignments, performance evaluations, classifications and transfers, establishment of policies, procedures, rules and regulations not in conflict with the terms of this Memorandum of Understanding, take disciplinary action for cause, relieve its employees from duty as, for example, by work furlough, because of lack of work or for other legitimate business reasons; and determine the methods, means, and personnel by which

Court operations are to be conducted as those matters affect wages, hours, terms and conditions of employment of Court employees.

All other rights of Management are also expressly reserved to the employer unless such other rights are abrogated by a clear and express provision of this MOU or by mutual written agreement by the parties.

Nothing herein will limit the right of the Union to meet and confer over the impact of rights exercised by Management as provided in Article 16, Full Understanding Modification and Waiver, or the employee from filing grievances in accordance with Article 9, Grievance Procedure, concerning alleged violations of the interpretation or application of this Article.

ARTICLE 16 FULL UNDERSTANDING, MODIFICATION, WAIVER

Section 1

It is intended that this Memorandum of Understanding sets forth the full and entire understanding of the parties regarding the matters set forth herein, and any other prior or existing understanding or agreements by the parties, whether formal or informal, regarding any such matters are hereby superseded or terminated in their entirety. It is agreed and understood that each party hereto voluntarily and unqualifiedly waives its right and agrees that the other will not be required to negotiate with respect to any subject or matter covered herein.

With respect to other matters within the scope of negotiations, negotiations may be required during the term of this agreement as provided in Section 2 of this article.

In accordance with Government Code 71634 decisions regarding the following matters will not be included within the scope of representation:

- (1) The merits and administration of the trial court system;
- (2) Coordination, consolidation, and merger of trial courts and support staff;
- (3) Automation, including but not limited to fax filing, electronic recording, and implementation of information systems;
- (4) Design, construction, and location of court facilities;
- (5) Delivery of court services; and
- (6) Hours of operation of the trial courts and trial court system.

The Court will continue to have the right to determine assignments and transfers of Court employees, provided that the process procedures, and criteria for assignments and transfers will be included within the scope of representation.

However, the impact from matters in items 1-6 above will be included within the scope of representation as those matters affect wages, hours, and terms and conditions of employment of trial court employees. The Court will be required to meet and confer in good faith with respect to that impact.

Section 2

It is understood and agreed that the provisions of this Section are intended to apply only to matters that are not specifically covered in this agreement.

It is recognized that during the term of this agreement it may be necessary for Management to make changes in rules or procedures affecting the employees in this Unit.

Where Management finds it necessary to make such change it will notify the Union indicating the proposed change prior to its implementation.

Where such change would significantly affect the working conditions of a significantly large number of employees within the Unit or within a classification within the Unit, and where the subject matter of the change is subject to negotiations according to applicable provisions of Government Code 71634, and where the Union requests to meet and confer with Management, the parties will expeditiously undertake negotiations regarding the effect the change would have on the employees in this Unit.

The phrase "significantly large number" will mean a majority of the employees in the Unit or within a classification within the Unit.

Any agreement resulting from such negotiations will be executed in writing by all parties hereto, and, if required, approved and implemented in accordance with the provisions within Article 3 (Implementation) of this Memorandum of Understanding. If the parties are in disagreement as to whether any proposed change is within the scope of negotiations, such disagreement will be submitted to the State Mediation and Conciliation Service for mediation in accordance with Government Code 71636.1.

ARTICLE 17 PROVISIONS OF LAW

It is understood and agreed that this Memorandum of Understanding is subject to all current and future applicable Federal, State and County laws, Federal and State regulations, and any applicable lawful rules and regulations enacted. If any part or provision of this Memorandum of Understanding is in conflict or inconsistent with the above applicable laws, rules and regulations, or is otherwise held to be invalid or unenforceable by a tribunal of competent jurisdiction, that part or provision will be suspended and superseded by the applicable law or regulations or rules, and the remainder of this Memorandum of Understanding will not be affected thereby.

ARTICLE 18 RELEASE DUE TO REASONS OTHER THAN PERFORMANCE

Management may release an employee when necessary for reasons of economy, lack of work or other legitimate reason.

In the event of release according to Paragraph 1, employees in this Unit will be released in the following order by inverse order of seniority:

- 1. Temporary daily as needed "C" and temporary monthly "O" items.
- 2. Part-time "P" through "Z" items.
- 3. "A" status items who, through a formal administrative action, are placed on a Plan for Improvement resulting from an overall substandard performance rating.
- 4. "A" status items.

Full-time ("A" status) Court Reporters who are laid off will be placed on a reemployment list in order of seniority. Such list will remain in effect for three (3) years unless extended by mutual, written agreement of the parties.

In no event will any full-time ("A" status) Court Reporter be released or reclassified due to the implementation of alternative methods of reporting.

ARTICLE 19 REINSTATEMENT

Any Court Reporter who resigns in good standing is eligible for reinstatement within three years following the date of resignation, upon approval of the Executive Officer/Clerk of Court. Such reinstatement will be guided by prevailing Court policy which provides that step placement will be the step attained upon leaving and step placement credit for any additional work experience as otherwise provided in this Memorandum of Understanding. Benefits will be equal to those of a new employee.

A Court Reporter who leaves the service of the Court in good standing and submits a written request to return within three years from their resignation date will, upon reinstatement, be placed on the Seniority List according to their seniority by deducting from their original entry date the number of months absent from Court service.

ARTICLE 20 EMPLOYEE BENEFITS

Section 1 Fringe Benefits MOU

The parties agree that the provisions of the Memorandum of Understanding regarding Fringe Benefits (except for vacation and holidays as defined within Government Code §6700 and Code of Civil Procedure §135), Mileage and Retirement between the County of Los Angeles and SEIU, Local 721 in effect during the term of this agreement will apply to Court Reporters in this Unit on monthly "A" items. Reporters on "C" items will be entitled to the same benefits as set forth in the County Code, Salary Ordinance provisions for daily as-needed employees on "C" items. Except for vacation and holidays as provided above, Court Reporters who job share, designated as "P" through "Z" items, will be entitled to the same benefits as set forth in the County Code, Salary Ordinance provisions for employees on "P" through "Z" items.

For purposes of mileage reimbursement, mileage headquarters for Court Reporters who float will be their designated courthouse.

Section 2 Vacations

Court Reporters in Court service as of April 25, 2017, will accrue vacation leave benefits as follows:

| Vacation Years of Service | Vacation Accrual | Vacation Annual | Maximum Annual Vacation Days | |
|---------------------------|------------------|-----------------|------------------------------|--|
| | Rate | Maximum | Available* | |
| Less than 4 years | 3:45 | 80 | 10 | |
| 4 to less than 9 years | 5:29 | 120 | 15 | |
| 9 to less than 22 years | 7:40 | 168 | 21 | |
| 22 to less than 23 years | 8:00 | 184 | 23 | |
| 23 to less than 24 years | 8:21 | 192 | 24 | |
| 24 years or more | 8:42 | 200 | 25 | |

^{*} The Maximum Annual Vacation Days Available - This column is provided for illustration purposes only and assumes that employees work an 8-hour workday. Employees working alternate work schedules will have a different number of available vacation days. Vacation time is accrued on an hourly basis as reflected in the columns titled Pay Period Accrual Rate and Maximum Annual Hours.

Court Reporters appointed to full-time, regular ("A") status positions after the April 25, 2017, will accrue vacation leave benefits as follows:

| Vacation Years of Service | Vacation Accrual | Vacation Annual | Maximum Annual |
|---------------------------|------------------|-----------------|---------------------------|
| | Rate | Maximum | Vacation Days Available * |
| Less than 4 years | 3:35 | 80 | 10 |
| 4 to less than 9 years | 5:14 | 120 | 15 |
| 9 to less than 10 years | 5:35 | 128 | 16 |
| 10 to less than 11 years | 5:55 | 136 | 17 |
| 11 to less than 12 years | 6:16 | 144 | 18 |
| 12 to less than 13 years | 6:37 | 152 | 19 |
| 13 to less than 20 years | 6:58 | 160 | 20 |
| 20 to less than 21 years | 7:19 | 168 | 21 |
| 21 to less than 22 years | 7:40 | 176 | 22 |
| 22 to less than 23 years | 8:00 | 184 | 23 |
| 23 to less than 24 years | 8:21 | 192 | 24 |
| 24 years or more | 8:42 | 200 | 25 |

^{*} The Maximum Annual Vacation Days Available - This column is provided for illustration purposes only and assumes that employees work an 8-hour workday. Employees working alternate work schedules will have a different number of available vacation days. Vacation time is accrued on an hourly basis as reflected in the columns titled Pay Period Accrual Rate and Maximum Annual Hours.

All vacation is accrued and posted in eHR. The vacation accrual rates become effective the pay period following April 25, 2017.

Vacation leave accrual is subject to annual limits on leave balances. Excess vacation leave may result in some portion of the leave balance being cashed out automatically.

Vacation time may not be used during the first six months of employment.

Section 3

Except as provided for in Sections 1 and 2 of this Article, part-time ("C" items) Court Reporter per diem fees and other fees provided by law will constitute total compensation for all work performed on a per diem basis.

Section 4

Reporters will accrue sick leave and vacation for any time taken voluntarily without pay for transcript preparation ("L.T. Time").

Court Reporters may submit to Management written requests for leave time to prepare transcripts ("L.T. Time"). Approval of L.T. Time requests is discretionary. Based upon the needs of the Court, Management will endeavor to grant L.T. time. However, if Management denies such a request, it will notify the Court Reporter in writing of the denial and their placement on the waiting list. If L.T. Time is denied, the reporter will have the right to meet with Management to discuss issues related to timely production and filing of court-ordered transcripts, preliminary hearings and appeal transcripts.

Section 5 Equipment Allowance

All bargaining unit members who are on the Court's payroll as of January 1, 2025, and who are still employed by the Court during the effective pay period are eligible to receive a payment of \$500 for equipment allowance. While the Court will endeavor to process the allowance in the pay period ending January 15, 2025, payment will be reflected in employee pay based on the processing timelines set by the Los Angeles County Auditor-Controller as the administrators of the Court's payroll.

1. All bargaining unit members who are on the Court's payroll as of January 1, 2026, and who are still employed by the Court during the effective pay period are eligible to receive a payment of \$500 for equipment allowance. While the Court will endeavor to process the allowance in the pay period ending January 15, 2026, payment will be reflected in employee pay based on the processing timelines set by the Los Angeles County Auditor-Controller as the administrators of the Court's payroll.

Payments under this provision are non-pensionable. All payment dates are contingent upon the processing requirements of the Auditor-Controller.

ARTICLE 21 BENEFITS MANUAL

Information about employee benefits for which Unit members may be eligible is available at the following websites:

- (1) Court's intranet website (CourtNet/eforum) currently accessible at http://courtnet/eforum/appnav2.asp?Referer=Index&topId=HUMRES&catId=HUMRES2;
- (2) Los Angeles County employee intranet website currently accessible at http://employee.hr.lacounty.gov; and
- (3) SEIU, Local 721's website at <u>www.seiu721.org</u>.

ARTICLE 22 PERSONNEL FILES

An employee, or their Local 721 designated representative with the written consent of the employee, may inspect that employee's personnel file with the exception of all material obtained from other employers and agencies at the time that employee was hired.

An employee will be advised of, and entitled to read, any written statement by the employee's supervisor or court management regarding their work performance or conduct if such statement is to be placed in their personnel file. The employee will acknowledge that they have read such material by affixing their signature on the copy to be filed, with the understanding that such signature merely signifies that they have read the material to be filed but does not necessarily indicate agreement with its content. The employee is entitled to a copy of any material that they are required to sign. If the employee refuses to sign, the supervisor will note their refusal on the copy to be filed along with the supervisor's signature and the signature of a witness to the employee's refusal to sign.

The employee may file a grievance regarding any such document within the prescribed time limits of the grievance procedure. Grievances filed under this provision will not be subject to the Arbitration provisions of the Grievance Procedure unless they involve a violation of specific provisions of this agreement. If the employee fails to file a grievance within the designated time limits, the document becomes part of the official file. If the employee does file a grievance within the designated time limits, said document will not be placed in the official file until the grievance appeal rights have been exhausted.

An employee will have the right to respond in writing to any derogatory material placed in their personnel file. Such written response will be maintained in the personnel file together with the related derogatory material.

Management agrees that no properly used full paid sick leave or vacation used in the twelve months immediately prior to an Appraisal of Promotability or a Performance Evaluation will be negatively referenced on such forms.

On reviewing their personnel file, an employee of this Unit may request and have any written warnings and/or reprimands issued more than two years prior removed from their personnel file except as such may be part of an official permanent record.

ARTICLE 23 LEAVES OF ABSENCE

Leaves of absence will be granted in accordance with provisions within the:

California Family Rights Act of 1991; California Pregnancy Leave Act, and the Family Medical Leave Act of 1993.

Nothing in this Section is intended to provide any additional benefits beyond that mandated by Federal and/or State law, or any applicable Ordinance.

Jury Duty

During the term of this Memorandum of Understanding, members of this Unit who receive a summons or notice of Jury Service and who are absent from duty for reasons of jury service will have their usual alternative work schedule (i.e., 9/80 or 4/40) converted to a five (5) day (eight hour) Monday through Friday day-shift work schedule during the actual period that they report for jury duty.

Any members of this Unit holding a regular or permanent full-time ("A" item status) position who are called and report for jury service will receive their regular straight-time salary for the period they serve on jury duty provided that they deposit with the Court any jury duty fees received, excluding juror mileage.

Witness Leave

A member of the Unit holding a regular or permanent full-time ("A"' item status) position, who is required to be absent from duty by a proper subpoena, issued by a court or commission legally empowered to subpoena witnesses, that compels the employee's

presence as a witness, unless the employee is a party to the action or an expert witness, will be allowed the time necessary to be absent from work at the employee's regular straight-time salary to comply with the subpoena's requirements, provided the employee deposits any witness fees received with the Court, excluding mileage.

Employee Organization Leave

Not more than five (5) employees covered hereby, at the written request of SEIU, Local 721, and subject to the approval of the Executive Officer/Clerk of Court, or their designee, will be granted a leave of absence without pay not to exceed one year for the purpose of conducting SEIU, Local 721 business.

Not more than five (5) stewards covered hereby, at the written request of SEIU, Local 721, and subject to the approval of the Executive Officer/Clerk of Court, or their designee, will be granted a leave of absence without loss of pay for one day of training one time per calendar year. SEIU, Local 721 may request a leave of absence for additional stewards to attend such training subject to Court approval based on operational need.

SEIU Local 721 will reimburse the Court for the salary and benefits of the employees who are granted leave under this section.

Family School Partnership Act

Parents, grandparents and guardians may take time off from work to attend school conferences and school events, in accordance with provisions of the law.

Military Leave

The Court will grant military leaves of absence and pay eligible employees in accordance with applicable laws. In so doing, the Court will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Family Medical Leave Act provisions pertaining to leave for military personnel and their families.

<u>ARTICLE 24</u> <u>EMPLOYEE LISTS AND INFORMATION</u>

The Union may request a list of the names, employee numbers, item numbers (with subitems), and item titles of all employees within this Unit from Management in writing.

Upon receipt of such a request, the Court will furnish the Union with a list of employees in the

Unit at a cost established by the Court for programming, processing and photocopying.

ARTICLE 25 EMPLOYEE PAYCHECK ERRORS

A. <u>Underpayments</u>

- 1. An employee who discovers a significant underpayment (approximately \$100) on their pay warrant must notify the Court's payroll division in writing to seek a correction. If that notification occurs within two days of the issuance of the pay warrant, payroll division staff will promptly ask the Los Angeles County Auditor Controller to rectify the underpayment within three business days after receipt of a written request from the affected employee. Requests received outside that time frame will be made in the next regularly issued warrant.
- 2. Changes in salary resulting from step advances or changes in status are excluded from amounts which constitute paycheck errors for purposes of this Article.

B. Overpayments

- 1. Employees will be notified prior to the recovery of overpayments.
- 2. Recovery of more than 15% of net pay will be subject to a repayment schedule established by the Payroll Manager or their designated representative under guidelines issued by the Los Angeles County Auditor-Controller.
- 3. Such recovery will not exceed 15% per month of the disposable earnings (as defined by State law), except, however that a mutually agreed-upon acceleration provision may permit faster recovery.

ARTICLE 26 EMPLOYEE PARKING

Management and the Union recognize the obligation to fulfill employer requirements for traffic reduction under the South Coast Air Quality Management District Regulation XV.

The Court will continue to make reasonable effort to provide adequate free parking facilities for Court employees who regularly find it necessary to use their own vehicle for transportation to their work location.

ARTICLE 27 SAFETY AND HEALTH

Section 1

Management will make every reasonable effort to provide and maintain a safe and healthy place of employment. The Union will encourage all members in the Unit to perform their work in a safe manner. Employees will be alert to unsafe practices, equipment, and conditions, and report any hazardous, unsafe, and/or unhealthy practices or conditions promptly to their immediate supervisor or Court Manager. For any hazardous, unsafe, and/or unhealthy practices or conditions, the immediate supervisor or Management will:

Correct or eliminate the condition if correction or elimination thereof is within their authority and capability, or;

Safeguard the condition within a manner designed to preclude injury to property and promptly report the unsafe condition to the proper level of supervision designated by Management for said purpose, if elimination of the hazardous condition is not within the immediate supervisor's capability.

If such condition cannot be satisfactorily remedied by the immediate supervisor, the employee or the employee's representative may submit the matter in writing to the Executive Officer/Clerk of Court or the Court's Safety Officer. This person should respond within five (5) days.

Section 2

Management and the Union, mutually agree that Safety and Health conditions in employment with the Court are subject to the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970 and the California Health Act of 1973.

Section 3 First Aid Kit

Management will maintain a first aid kit at each Court location. Management will evaluate the first aid kit biannually to determine what items have expired and/or need replacement.

Section 4

Management will advise all employees of its emergency preparedness plans for each building annually. This will include all information needed for evacuation and emergencies and use of 911. When an employee or unit relocates to another building/Court, local Court management will provide information regarding the location of where to check in following an evacuation.

Section 5

Management acknowledges the value of reducing workplace injuries and illnesses and will provide Court Reporters information on how to avoid and/or prevent them.

Management will offer training pertaining to ergonomic issues specific to Court Reporters and other means of preventing and/or reducing workplace injuries and illness.

The Joint Labor/Management Committee will discuss ergonomic evaluations of Court Reporter work stations, training pertaining to ergonomic issues specific to Court Reporters, other means of preventing and/or reducing workplace injuries and illnesses, and a plan for chair and desk replacement.

The Court will not require medical justification for ergonomic assessments or chairs, but may require medical justification for other ergonomic equipment and/or accessories. The above is not intended to oblige the court to purchase new chairs only to clarify that when new workstation chairs are purchased, they will be ergonomic.

Employees can find general ergonomic information on the Court's Human Resources site via Court Connect.

ARTICLE 28 BULLETIN BOARDS

Management will furnish adequate bulletin board space at each facility where members of this Unit are assigned.

Prior to posting, all materials will be approved and initialed by an authorized representative of the Union and the site Administrator, or designated representative.

The boards will be used for the following subjects:

A. Union recreational, social and related Union news bulletins;

- B. Scheduled Union meetings;
- C. Information concerning Union elections or the results thereof;
- D. Reports of official business of the Union, including applicable newsletters, reports of committees or the Board of Directors; and
- E. Any other written material which first has been approved and initialed by the site Administrator or designated representative. The site Administrator or designated representative must either approve or disapprove a request for posting within a reasonable amount of time.

The parties may mutually waive the provisions of this Article if a satisfactory local posting agreement on bulletin boards is currently in effect.

When the Union wants the Court to post a communication court wide, it must submit the communication to the Labor Relations Unit for approval in advance.

ARTICLE 29 SALARY

The parties agree to the following salary adjustments for members of this unit:

Section 1 Base Salary Increases

- a. 4.0% base salary increase effective January 16, 2024. .
- b. 3.0% base salary increase effective January 1, 2025.
- c. 3.0% base salary increase effective January 1, 2026.

Section 2 Signing Bonus

The Court will provide eligible bargaining unit members with a one-time Signing Bonus in the gross amount of \$2,000. Only those bargaining unit members who were on the Court's payroll as of the ratification date of April 20, 2024 and who are still employed by the Court during the effective pay period are eligible for the one-time payment. The one-time payment is non-pensionable.

Section 3 Civic Center Stipend

To address the challenges associated with working in the downtown Civic Center Area, the Court shall provide the following Civil Center Stipend to eligible unit members:

• All eligible full-time ("A" status), "V" status and "C" status permanent unit members who are working in the downtown Civic Center Area will receive \$50 per pay period effective within 60 days of April 20, 2024.

For purposes of this Section, Civic Center Area includes the following locations: Clara Shortridge Foltz Criminal Justice Center, Stanley Mosk Courthouse, Hall of Records, County Archives (County Mall Phase 2), and Spring Street Federal Courthouse.

The payments provided in this Section shall not be prorated to provide any partial payments for unit members who are not working in the downtown Civic Center Area on the specific qualifying dates, as set forth above.

The Civic Center Stipend is not intended to be pensionable compensation.

Payments will be reflected in employee pay based on the processing timelines set by the Los Angeles County Auditor-Controller as the administrators of the Court's payroll.

Section 4 Offset for Modification to Benefits

In an effort to offset the modification to the fringe benefits bargaining unit members receive pursuant to the Memorandum of Understanding regarding Fringe Benefits, Mileage, and Retirement the County of Los Angeles and SEIU Local 721 negotiated in 2018, referenced in Article 20 (Employee Benefits), the parties agree to the following:

a. Options Sustainability Bonus

Effective January 1, 2020, the Court will increase the monthly base salary of the payroll titles in this bargaining unit by one percent (1%).

b. Options Sustainability Step

Effective January 1, 2021, the Court will add a half-step (approximately 2.75%) to the salary range for all full-time, permanent employees holding payroll titles within this bargaining unit. Employees who have been at the final step of their salary range for one year and who have received a Meets Expectations or better rating on their performance evaluation will receive the half-step increase on January 1, 2021.

If, after this Memorandum of Understanding is ratified the Options benefits plan is determined not to have bona fide plan status under the applicable law, the parties agree to meet and confer immediately over potential changes to the Options Sustainability Bonus and the Options Sustainability Step provided under Section 4 of this Article.

Section 5 Parity

In the event that an AFSCME bargaining unit with the Court receives a total negotiated across-the-board base salary increase for the period of 2025 and 2026 that is equal to or higher than the total 6% increase provided by this MOU for the period of 2025 and 2026, the members of this bargaining unit will receive an adjustment that results in a total base salary increase equivalent to the total increase received by the AFSCME unit for the period 2025 and 2026, and on the same schedule as the AFSCME unit for the period of 2025 and 2026, subject to the terms set forth below.

If an AFSCME unit receives an increase for 2025 that is higher than the 3% increase that is provided to this bargaining unit by this MOU, the effective date of the supplemental increase for this bargaining unit will be the same date on which the higher salary increase goes into effect for the AFSCME unit. In that event, if the AFSCME unit also receives a lower increase for 2026 than the 3% increase that is provided to this bargaining unit by this MOU, the scheduled 3% increase for this bargaining unit in 2026 shall be adjusted to match AFSCME's scheduled increase, to ensure overall parity with AFSCME for the 2025-2026 period. In no event shall the 3% increase provided to this bargaining unit for 2025 be reduced to less than 3%. Regardless of the total increase provided to AFSCME in 2025 and 2026, in no event shall this bargaining unit receive less than a total of 6% for the period of 2025 and 2026 as provided by this MOU.

Any employee that leaves employment with the Court after the effective date of a supplemental increase, but before the Court begins payment of such increase, shall not be entitled to any payment under this Section.

This Section shall be in effect for the term of this MOU only and shall automatically terminate upon the expiration of the MOU. The Court shall have no obligation to make any supplemental base salary increases following the expiration of this MOU, unless the parties negotiate to include the provision in a subsequent MOU.

Section 6 Realtime Certification Allowance

A. Effective the first pay period after May 2, 2022, the date on which the Union notified the Court's Chief Negotiator in writing of its members' ratification of the terms of the

MOU, members of this Unit who are in Classification number 9757 and are Realtime certified, or who become Realtime certified thereafter, as defined within Article 34, Employment Status, will receive a five and a half percent (5.5%) Realtime Certification Allowance. The increase will be reflected in employee pay based on the processing timelines set by the Los Angeles County Auditor-Controller as the administrators of the Court's payroll.

Section 7 CAT Capability

CAT capability will be required for all newly hired Court Reporters. Step

Advance

- A. Full time permanent employees in this Unit who are below the top step of the salary range and who are eligible for an annual step advance will be granted a step advance only when they have received a rating the equivalent of "Meets Performance Expectations" or better within the immediately preceding year.
- B. If no performance review is filed as defined in (A) above, the employee will be granted the step advance.
- C. During the term of this agreement, should any changes be made in the existing categories of Performance Evaluations, which adversely impact the application for this Section, the parties agree to meet and renegotiate this Section. In the event an agreement cannot be reached through negotiations, it is agreed that the Union may submit the dispute to arbitration. The arbitrator will issue an award on the step advances as affected by the changes in existing categories of Performance Evaluations.

Section 8 Special Pay Practices

Currently, there are no special pay practices in this unit. Should the Court implement new shifts, the Court agrees to meet and confer regarding the impact on employees in the unit.

In the event pre-scheduled overtime becomes available and the assigned Court Reporter is unavailable, Management shall email Court Reporters in the affected building, including any Region Assigned Floaters (RAFs), to solicit overtime participation. Court Reporters shall have 24 hours to respond to the inquiry, after which the assignment will be offered based on seniority.

ARTICLE 30 WORK SCHEDULES

Section 1 Work Schedule

This article is intended to describe the normal hours of work and will not be construed as a guarantee of hours of work per day or per week, or of days of work per week.

Regular hours of work each day are eight hours. Regular hours per week will be 40 hours. The normal workweek will consist of five consecutive days - Monday through Friday-followed by two consecutive days off, inclusive.

The schedule of working hours for Court Reporters will be set by the Executive Officer/Clerk of Court.

Section 2 Call-Back Time

"Call-Back Time" is defined as the period when an employee is unexpectedly ordered by the Executive Officer/Clerk of Court or designated representative to return to work following the termination of their normal work shift and departure from their work location. The employee will receive a minimum payment of four (4) hours compensatory time at the rate of time-and-one-half of the employee's regular rate of pay, regardless of whether they have worked 40 hours in that workweek or whether the employee worked four (4) hours after being called back.

Hours worked above four (4) hours will be compensated at the normal overtime rate for the actual numbers of hours worked.

If an employee completes the work required, leaves the work location, and is subsequently recalled within the same four-hour call-back period, they will not accrue any additional compensatory time until they have worked four (4) hours.

If an employee's work schedule is altered to accommodate operational requirements on any scheduled workday and the employee is required to report for work up to two hours earlier than their normal shift starting time, this is considered an early shift start and not a call-back.

Section 3 Standby Time

Court Reporters who are advised that the Court may require their services during an offduty period will receive two (2) hours of compensatory time for every eight (8) hours they are on standby. When asked to remain on standby, Court Reporters will immediately notify Court Reporter Services Management and must do so before they assume standby status. Management will ascertain the specific period of time during which the Court Reporter's services are required and will inform the affected Court Reporter.

ARTICLE 31 STEWARDS

Section 1

Management recognizes that Union stewards are the official on-site representatives of the Union. However, should it become necessary for a Union steward to represent employees across facilities, a steward may submit a request to represent employees across facilities, from one courthouse to another with approval by Human Resources. The Court further acknowledges that no Steward will be discriminated against as defined in Article 6 Non-Discrimination of this MOU. Grievances filed under this section will be expedited to the third level upon being filed.

Section 2

It is agreed by the parties of the Memorandum of Understanding that the Union may select a reasonable number of Stewards, based upon the size of the unit, and the number of employees in the unit at the location and area of operation. Stewards will perform the responsibilities of their positions, including but not limited to, the investigation and processing of grievances, representation at Skelly hearings, Weingarten meetings, interactive meetings, informal meetings with management, labor management meetings, new employee orientation, negotiations, and Steward trainings. Every calendar year the Union will give to Human Resources Administration/Labor Relations and the site Administrator a list of employees from their location that have been selected as Stewards. The Union will maintain the list current and the Court will recognize only those employees on the list as Stewards.

Stewards may spend a reasonable amount of time to promptly and expeditiously investigate and process formal grievances within their jurisdiction, or as otherwise mutually agreed, without loss of pay or benefits of any kind. Stewards, before leaving their work location to transact such investigations or processing, will inform their supervisor of the nature of the issue and area to be visited and first obtain permission from their immediate supervisor. If permission cannot be granted to leave their workstation at the time the request is made, the time limits for filing and/or processing a grievance will be extended until permission can be granted. The parties hereto agree that each will cooperate with the other in keeping

reasonable the actual time spent by a Steward in investigating, presenting, and resolving grievances and disputes.

Upon entering a work location, the Steward will inform the appropriate supervisor of the nature of the Steward's business.

Permission to leave the job will be granted promptly to the employee involved unless such absence would cause an undue interruption of work.

Section 3

The Union agrees that a Steward will not log compensatory time or premium time for the time spent performing any function of a Steward. Management will make every reasonable effort not to reassign a Steward without the agreement of the affected Steward, if there is any other employee in the same classification who meets the specific qualifications of the vacancy.

A Steward will be granted time to attend orientation meetings without loss of pay or benefits of any kind.

ARTICLE 32 WORK ACCESS

Authorized Union representatives will be given access to the work locations during working hours to investigate and process grievances, observe working conditions, and post bulletins on the bulletin board.

Union representatives desiring access to the work location hereunder will state the purpose of the visit and request from the site Administrator, or designated representative, authorization within a reasonable amount of time before the intended visit, unless the parties mutually agree otherwise.

The Union, agrees that its representatives will not purposely interfere with operations of the Court or any facility thereof.

The Union, will give to the Executive Officer/Clerk of Court or designated representative a written list of all authorized representatives, which list will be kept current by the Union. Access to work locations will only be granted to representatives on the current list, unless the parties agree otherwise.

ARTICLE 33 PERSONNEL SELECTION

Section 1 Examination and Recruitment

Court Reporter appointments will be made from eligible lists established as a result of open competitive examinations. Such examinations may be by means of written and performance tests, oral interviews, evaluation of education, experience and personal suitability as may be prescribed by the Executive Officer/Clerk of Court.

When Management determines there is a need to conduct a recruitment for Court Reporters, it will collaborate with the Los Angeles County Court Reporters Association on the examination.

Los Angeles County Court Reporters Association will cooperate with the Court in the testing, orientation and training for new Court Reporters.

Court Reporter Management will meet with LACCRA/Joint Council no less than two (2) times per year to discuss recruitment protocols.

Section 2 Certification List

The Court will use a certification list when appointing Court Reporters. Candidates placed on the certification list will be banded according to their competitive examination test score.

Management may offer candidates employment as a Court Reporters – Realtime and Court Reporters Pro Tempore without regard to the candidate's individual position on the certified list.

Section 3 <u>In-Service Training</u>

- A. Newly hired Court Reporters will receive a minimum of ten (10) days paid inservice training prior to any Court assignment, unless all or any portion of inservice training is waived by the individual Court Reporter.
- B. Each designated training reporter will receive one (1) administrative leave day for every three (3) days of one-on-one in-service in-court training provided both on and off the record. Management will maintain accurate records of in-service/in-court training Court Reporters provide.

Section 4 New Employee Orientation

At a mutually agreeable time during new hire in-service training, a Union/LACCRA representative will be provided the opportunity to participate in new hire orientation for the sole purpose of providing new court reporter employees information regarding Union and LACCRA membership.

ARTICLE 34 EMPLOYMENT STATUS

Section 1 Official Court Reporters

All Court Reporters, regardless of status, will be initially placed on Step 7 effective April 20, 2024. Any court reporter currently at a lower step will be placed on Step 7 effective the first pay period after April 20, 2024. The increase will be reflected in employee pay based on the processing timelines set by the Los Angeles County Auditor-Controller as the administrators of the Court's payroll.

Reporters on "A" item status will be on an eight-step pay plan and will receive annual step advancement consistent with the rules governing the applicable schedule on the County of Los Angeles Salary Table. When a Court Reporter receives a substandard performance rating and Management institutes a Plan for Improvement, the affected employee will receive no salary step advance until they achieve the equivalent of a competent or better performance rating.

For purposes of initial salary step placement following appointment to "A" item status, the Court will give Court Reporters experience credit at the rate of one (1) month for each twenty (20) days worked as a Court Reporter in any trial court in the United States or any of its territories, subject to timely submission of adequate and acceptable proof of such work.

Section 2 Court Reporter – Realtime Reporting

A) Court Reporter item without Realtime Reporting Services Compensation:

Existing Court Reporters who are unable to provide Realtime reporting services will remain on the existing Court Reporter classification (item number 9727) and will be compensated 5.5% less than individuals holding the Court Reporter- Realtime Reporting classification.

Section 3 Realtime Certification Allowance

To qualify for the Realtime Certification Allowance, a Court Reporter must (1) hold a Realtime certification by the National Court Reporters Association, the National Verbatim Reporters Association (NVRA), or any other organization mutually agreed upon by Management and the Joint Council; and (2) must provide Realtime reporting services.

Section 4 Part-time Work Schedules for Official Reporters

"A" item (full-time regular status) Court Reporters may request to work a part-time work schedule for a specified period of time. Such arrangements are at Management's discretion. The reporter's employment status may be changed from "A" to "C" for the duration of the period of part-time work only. Upon expiration of the period of part-time work, the reporter will be returned to "A" item status.

Section 5 Pro Tempore As-Needed Reporters

- (A) "Court Reporter pro tempore" status means a court reporter employed in parttime status, including "C" item and "V" item positions.
 - "C" status Court Reporters will be eligible for step advancement from Step 7 to Step 8 after working 2080 hours for the Court.
- (B) Individuals hired as a Court Reporter pro tempore:
 - 1. Will be hired as needed but will not exceed ten percent (10%) of the full-time equivalent reporter workforce at the Court. The parties agree to waive this cap during the term of this agreement. In the event the number of pro tempore employees exceeds the cap at the termination of this agreement, the Court will have no obligation to reduce the number of such employees.
 - 2. There shall be no limitation on the number of hours a Court Reporter pro tempore as defined above may work in a calendar year.
 - 3. May be assigned without regard to individual seniority or placement on a certification list.
 - 4. May not hold a job-share position or a regular assignment to any bench officer, courtroom or courthouse unless otherwise mutually agreed to by the parties.
 - 5. Court reporters pro tempore will remain on the certification list from which they were hired and will be considered for regular employment vacancies.

Section 6 Job Share Reporters

Job share reporters on "P" through "Z" item status, as referenced in Article 36, Job Sharing, will be compensated in accordance with the prevailing salary schedule, the individual reporter's salary step placement and their monthly permanent percentage time status, as designated in the Los Angeles County Code.

Section 7 Retired Annuitants

When the Court uses the services of Court Reporters who are retired annuitants with LACERA, it will pay them as permitted by the Public Employee Pension Reform Act of 2013. If a retired annuitant elects not to accept an offered assignment, that election shall not preclude them from being called for future assignments.

ARTICLE 35 COURT REPORTER ASSIGNMENTS

Section 1 Regular Assignments

Judicial Officers will make the ultimate decision as to the Court Reporter assigned to their courtroom. Judicial Officers will be encouraged to rely on Management for Court Reporter assignments and will be provided information about the try-out process whenever they have a Court Reporter vacancy.

A. Definitions

- 1. "Redeployment" means the temporary displacement of a regularly assigned reporter to meet the needs of the court. Management will endeavor not to redeploy a regularly assigned Court Reporter five or more days in a four week period.
- 2. "Reassignment" means the permanent displacement of a regularly assigned Court Reporter. No reporter will be reassigned due to the implementation of alternative methods of reporting without the consent of the Judicial Officer to whom the Court Reporter has been assigned.
 - a. Management agrees to provide a Court Reporter who has been reassigned another regular assignment within their assigned region. Management will endeavor to provide a Court Reporter who is reassigned office space in the courthouse designated as their headquarters.

- b. It is mutually agreed that a reporter who is reassigned under the definition of this Article will be provided preferred consideration over other bargaining unit members when filling a vacant permanent assignment consistent with seniority; however, the ultimate decision in the permanent assignment selection process rests with the assigned Judicial Officer. Preferred consideration will only remain in effect until the affected reporter has been selected for a regular reporting assignment.
- 3. For purposes of this Article, a "regular assignment" means an assignment to a specific judicial officer for a continuous and indefinite period, with no anticipated end.

B. Filling Vacancies

- 1. While it compiles the try-out list, Management will assign the most senior Court Reporter requesting to work in the district or court facility unless previously rejected by the Judicial Officer.
- 2. Management will announce open assignments promptly via email. Management will maintain a list of courtrooms available for try-outs accessible to all court reporters via SharePoint. Upon request, a Court Reporter shall be informed of their placement on the try-out list. Within five court days, interested Court Reporters will ask Management to include them on the try-out list. Those Court Reporters who request to be placed on the try-out list will then be assigned in order of seniority. Court Reporters who request to be placed on the try-out list after the five days will be listed by order of request, regardless of seniority.
- 3. Try-outs will typically last a week but may be terminated sooner by the Court Reporter, Management or the Judicial Officer. The duration of a try- out may be extended by Management or the Judicial Officer.
- 4. Prior to the expiration of the try-out list, Management will contact the Judicial Officer and determine the likelihood that a Court Reporter will be chosen from those who tried out. If the Judicial Officer indicates they have selected a Court Reporter, the try-outs will cease. If the Judicial Officer indicates that they wish for further try-outs, the opening will be announced via e-mail promptly.
- 5. The process described in this Article will be followed until the Judicial Officer selects a specific court reporter, elects not to have try-outs or modifies the try-out process. Management will encourage Judicial Officers to respect seniority in the try-out process. If the try-out list is modified, Management will notify the affected Court Reporter(s).

C. Assignment Criteria

When management makes Court Reporter assignments, it will do so on the basis of seniority in court service and demonstrated competency in court reporting, as determined by Management. Demonstrated competency includes timely production of appellate transcripts by statutory and court-ordered deadlines.

If a Judicial Officer, upon assuming the bench or prior to losing their regularly-assigned Court Reporter, informs Management not to assign a particular Court Reporter, that reporter will not be afforded the opportunity to try out for that Judicial Officer.

D. Notice of Court Reporter Assignment Process

The Court will post a communication advising judicial officers, Administrators and Court Reporters of the terms of this Article and will highlight it annually. After such communication is completed, the Court will notify LACCRA/Joint Council with a copy of such communication.

E. Assignment Solicitation Prohibited

Court Reporters will not contact, nor request any other person to contact, any Judicial Officer to solicit an assignment. No reporter will contact any Judicial Officer on behalf of another Court Reporter for the purpose of soliciting an assignment.

F. Realtime Certified Court Reporters

If a Judicial Officer requests a Realtime reporter, those reporters will have preference in assignments.

G. Two Reporter Courtrooms

When two Court Reporters are assigned to a single Judicial Officer, the second Reporter so assigned will be approved by the assigned Judicial Officer.

H. Seniority

When a vacancy occurs in a particular department in a district court or other court

facility, service in that department, district court or other court facility does not take precedence over seniority in court service.

I. Reassignment Criteria

The Court recognizes that reporter assignments can vary in the demands made upon the physical and mental stamina of reporters; therefore, it will make every reasonable effort to replace or reassign reporters who have legitimate needs for such replacement or reassignment.

J. Stipend

The Court shall provide a Stipend to eligible unit members under the following terms:

To be eligible for the Stipend, full-time, permanent unit members must satisfy both of the following criteria:

- 1. Be permanently assigned or a regionally assigned floater to either the Michael Antonovich Antelope Valley Courthouse or the Alfred J. McCourtney Juvenile Justice Center on or after July 1, 2024.
- 2. Must reside and have their address of record reflect that they reside more than 30 miles away from their assigned location at the Michael Antonovich antelope Valley Courthouse or the Alfred J. McCourtney Juvenile Justice Center.

All eligible full-time, permanent unit members who meet the above criteria shall receive a payment of \$50 per pay period..

The payments provided in this Section shall not be prorated to provide any partial payments.

Payment of the Stipend to eligible employees will begin either 30 days after approval by both LACERA and the Auditor-Controller or July 1, 2024, whichever date is later. There shall be no retroactive payment for any time period prior to July 1, 2024.

Section 2 Relief As-Needed Assignments

Priority in relief as-needed assignments will be given to:

a. Full-time monthly reporters who do not have a regular assignment or are

temporarily available;

- b. Daily as-needed reporters ("C") who have requested full-time work based on seniority;
- c. Daily as-needed reporters ("C") who desire only part-time work and reinstated retired reporters.

Except in emergency situations, including, but not limited to, unanticipated absence and/or courtroom requirements, by 4:00 p.m. of each business day Management will:

1. Notify the reporters of their courtroom assignment for the next court business day. Reporters Pro Tempore so notified who agree and remain available for duty will be compensated at the full day per diem rate.

The above requirements do not preclude Management from amending a daily assignment when circumstances require.

Court Management will keep a list of regional floater assignments. Upon request, Court Management will provide the Union with a copy of the list within 30 days.

Management agrees to meet with the Joint Council to continue to discuss the distribution of relief assignments.

Section 3 Assignment of New Hires

To facilitate a well-rounded experience, Management will endeavor to rotate all new hires through a minimum of four areas of litigation within the first ninety (90) calendar days of employment.

Management retains the discretion to exempt reinstated Court Reporters pursuant to Article 19 from this rotation on a case by case basis.

Newly-hired Court Reporters may ask to be placed on the try-out list for permanent assignments. Management may assign a newly-hired Court Reporter who has worked at least 60 calendar days to a Judicial Officer, with the concurrence of the Court Reporter, if a vacancy in that department has not been filled through the normal try-out procedure, there are no remaining names on the try-out list and the assignment has been vacant for four (4) weeks.

Section 4 Request for Assignment

Court Reporters may request transfers to regions of choice. Management will retain those requests for 12 months and will consider the employees listed therein when filling available and/or vacant assignments. Management retains the authority to make assignments as may be required to meet the needs of the Court.

ARTICLE 36 JOB SHARING

- 1. The Court will identify positions which will be used for job sharing.
- 2. Those persons desiring a job-sharing position will file an application jointly for the position and will, at the time of filing, present an outline of the manner in which they propose to share the job, to include the days each person will be working.
- 3. It is Management's right to approve or deny requests for job sharing.
- 4. Any change in the approved job-sharing work schedule must receive prior approval of Management.
- 5. Court Management may suspend or revoke job-sharing privileges based on needs of the Court, as well as an employee's failure to adequately meet their responsibility under their job-sharing plan.
- 6. Job sharers who request to return to full-time employment or whose job-sharing assignment has been revoked will return within thirty (30) calendar days to their employment status held immediately prior to job sharing.
- 7. Upon request, Official Court Reporters approved to participate in the job-sharing program on a half-time monthly basis will be designated as monthly permanent 1/2 time item ("U"), as defined for County benefit purposes. Other designations ("C", and "P" thru "Z") may be considered for Official Court Reporters requesting job sharing arrangements other than ½ time. In all cases, Court Reporters Pro Tempore requesting job sharing will be approved for job sharing on a "C" designation.
- 8. If a job sharer loses their job sharing partner, they will have ninety (90) calendar days to secure another partner. After ninety (90) days, if no partner has been approved, the job-sharing position will cease to exist and the job sharer will return to their employment status held immediately prior to job sharing.
- 9. Prior to implementation of any layoff, job sharers will be offered the opportunity to return to their status held immediately prior to job sharing.

ARTICLE 37 OFFICE SPACE AND SUPPLIES

Section 1

Except as prohibited by law, the Court will provide Court Reporters supplies necessary to perform their official duties and adequate storage space for electronically stored shorthand notes and paper notes, when electronic storage is not technologically possible. The Court will endeavor to provide reporters with office space and a desk to work. In the event that office space and/or a desk is not available, the Court Reporter may contact a manager for resolution.

During the term of this MOU, the Court will endeavor to provide Court Reporters with equipment to support remote hearings in those courtrooms where remote hearings are conducted, including the following:

Monitor

Speaker

Microphone

This list of equipment is not intended to be all inclusive.

This obligation shall not apply where an installation of such equipment is not feasible or otherwise creates a disruption and/or interference with proceedings in the courtroom.

Upon request, the subject of remote proceedings shall be the subject of future Joint Labor/Management meetings.

Section 2

Management will communicate to bench officers and applicable court staff of the need to comply with remote proceedings protocol and CCP 367.75, including an advisement that the Court Reporter should not be muted.

ARTICLE 38 IDENTIFICATION CARDS/EMPLOYMENT WORK ACCESS

Section 1 Identification Cards

All Court Reporters will receive Superior Court of California, County of Los Angeles

identification cards.

Section 2 Office Keys/Key Cards

Court management will provide office keys and key cards to court reporters in a timely manner.

Court management will provide bathroom keys for permanently assigned reporters and RAFs where the closest employee bathroom requires key entry.

Court management will provide courtroom keys for permanently assigned reporters where the only point of access to the courtroom is the door utilized by the public.

Section 3 Elevators

Court management will provide Court Reporters access to courthouse elevators utilized by Court staff.

Section 4 Security Screening

With regard to employees with disabilities or work restrictions (including one that limits their ability to lift), Management will fulfill its legal obligation to engage in a timely interactive discussion process with respect to reasonable accommodations.

Section 5 Courthouse Security and Court Reporter After-Hours Access

To protect the public, judicial officers and all courthouse workers, the Court controls entry into its facilities. Consequently, all employees and members of the public entering a courthouse undergo security screening. When Court Reporters need to access courthouses without 24/7 security after-hours, the following procedures apply.

A. Regular Access

i) Court Reporter key cards will be programmed to allow courthouse access from 6:00 a.m. through 8:00p.m. Monday through Friday. (Once inside a courthouse, Court Reporters can remain as long as necessary to do their work.)

B. Anticipated Extended Access

i) If a Court Reporter anticipates a need to gain access to a courthouse outside those hours, they must notify Management during business hours and arrange for after-hours access. A Court Reporter's representation of the need for after-

- hours access will suffice. If a key card is issued to the Court Reporter, it must be returned the following day.
- ii) If a Court reporter is regularly assigned to a location but is not at that location on the day prior to a weekend or holiday, the reporter may call the site Administrator and arrange to have another Court employee retrieve a card for them.

C. Guidelines

- Reporters must scan the key card upon entry to gain after-hours access but must also scan the card upon exiting so that security personnel can monitor who is in the courthouse.
- ii) After-hours access is limited to the Court Reporter requesting access and no other individuals, even if they are relatives or friends. For example, it is not acceptable to bring children into the courthouse nights and weekends. This guideline is not intended to restrict reporters from having someone accompany them who is there to help them with their work, but the reporter must identify who that individual is and their purpose for being there. It is not acceptable for a reporter to request an after-hours access card if they truly do not anticipate the need for access. The Court is able to monitor whether a card is utilized or not and people who frequently or consistently request a card and then do not utilize it may forfeit their ability to obtain after-hours access.

ARTICLE 39 COMPUTER EQUIPMENT

The Court will make every reasonable effort to assist employees to recover for loss as a result of theft or damage of steno machine, computer, computer-aided transcription equipment or supplies not resulting from Court Reporter negligence while on Court property.

ARTICLE 40 VACATION SCHEDULES

 Scheduling of vacations shall be in order of seniority by court location for those vacation requests submitted between October 15 and December 13 of each year for the succeeding twelve-month period beginning with the first full week in January and ending with the last day prior to the first full week of the following January. Notification of approved vacation time will be provided no later than December 31 of each year during the term of this agreement. The Court will endeavor to grant vacation requests where the reporter requests the vacation concurrent with the Judicial Officer to whom they are assigned.

- 2. The Vacation matrix will be uploaded to SharePoint by no later than December 14th annually. The Matrix will be updated quarterly on or before February 1, May 1, August 1, November 1. The Matrix will reflect which days have been selected by a Court Reporter for vacation during the annual selection process and which dates have not been selected for vacation.
- 3. All requests for vacation submitted on or after December 15 will be assessed by Court management and scheduled on the basis of request date and needs of the Court. The Court Reporter will be notified of the decision within two weeks from the time the Managing Court Reporter received the request.
- 4. Management will assess dark courtrooms and Court staffing needs when evaluating whether to grant wait-listed vacation requests and will endeavor to grant wait-listed vacation requests based upon the assessed staffing needs.
- 5. If a vacation request is denied, Court Reporters may request to be added to the waiting list. Court Management will notify Court Reporters of their rank on the waiting list. Court Reporters who do not want to remain on the waiting list for a particular vacation slot(s) will notify Management and, upon receipt of that notification, Management will remove the Court Reporter from the waiting list(s).
- 6. If a Court Reporter cancels an approved vacation slot at least 5 Court days in advance of the scheduled vacation day(s), barring extraordinary circumstances, Management will offer the open vacation slot(s) to the next Court Reporter(s) on the waiting list.
- 7. Deviation from the normal vacation scheduling procedure will be made at the discretion of Court Management for emergencies.
- 8. Management will review historical information regarding the number of dark courtrooms during the weeks of Thanksgiving, Christmas, and New Years and use that information to determine whether additional vacation slots may be allotted during those periods.

ARTICLE 41 VACATION CARRYOVER

Section 1

Whenever the sum of an employee's current and deferred vacation exceeds forty-two (42) days upon entering a new calendar year, that portion in excess of forty-two (42) days may be deferred for no more than one (1) year, subject to the recommendation of the Administrator of Court Reporter Services and approval of the Executive Officer/Clerk of Court or their designee.

If, at the end of that year, an employee still has current and deferred vacation time in excess of forty-two (42) days, they will lose the use of that portion in excess of forty- two (42) days and will be compensated for it at the workday rate of pay in effect on the last day of deferment.

Section 2

The Executive Officer/Clerk of Court or designee has the discretion, upon the recommendation of the Administrator of Court Reporter Services, to extend the time in which the employee may use accumulated vacation time in excess of forty-two (42) days.

Section 3

Vacation benefits of employees on Workers' Compensation leave will not be subject to the forty-two (42) day limit.

ARTICLE 42 CONTINUING EDUCATION

Section 1

A Court Reporters' Continuing Education Fund of \$50,000 per year will be maintained for reimbursement for LACCRA, NCRA, passing of the Realtime Certification test, and/or other Court- approved continuing education training seminars.

A Court Reporter enrolled in an approved training seminar will receive reimbursement for the registration of such seminar or training on a first-come first-served basis, not to exceed \$1,000, as long as continuing education funding exists. Reimbursement must be requested in writing within 45 days of attendance and must be accompanied by a certificate of

attendance/completion.

Management will process and submit for payment to the County Auditor-Controller, within ten (10) business days following its receipt, any properly completed reimbursement request submitted by reporters.

If adequate staffing permits, Management will grant court time off (Monday through Friday) for attendance at approved seminars or other Management approved training. This does not include travel time. No overtime will accrue for attendance at approved seminars. The LACCRA President and the LACCRA Vice President (or other designated LACCRA Board Member) will upon request be granted the use of any eligible accrued leave time off each year exclusive of the vacation matrix to attend the conventions of the California Court Reporters Association, National Verbatim Reporters Association, and the National Court Reporters Association.

Section 2

During January of each year LACCRA will submit a list of training seminar topics eligible for approval. After discussion with LACCRA, Management will approve a list of training seminar topics and continuing education seminars eligible for reimbursement. This list may be updated periodically.

Section 3

When procedures in the Court Reporter Unit are changed and those changes affect the terms and conditions of employment for Court Reporters, Management will notify the Joint Council and, upon request, will meet and confer about the effect of those changes on Court Reporters.

Management will maintain a manual describing the duties and procedures of Official Court Reporters at the Court and make it available electronically. Management will notify Court Reporters by email of manual changes.

Section 4

The Court will reimburse A, C, and V status Court Reporter employees the annual renewal fee for their Certified Shorthand Reporter license subject to the conditions herein. Reimbursement is only available to Court Reporters who renew their licenses after the ratification of the MOU. To receive reimbursement, Court Reporters whose licenses are in good standing (no Board discipline or delinquent status) and who have not been on administrative suspension during the preceding 12 months must: (1) show proof that they

paid their annual license renewal fees timely;¹ and (2) request reimbursement within 30 days of payment.

Section 5

As of the date of April 20 2024, the Court provides the following reimbursement benefit pursuant to Section 7(b) of an August 24, 2023 Side Letter of Understanding through its receipt of special funding pursuant to SB 154:

The Court will reimburse Court Reporters who provide proof of payment for an annual YesLaw subscription.

In the event that the Court does not receive special funds pursuant to SB 154 during the term of this MOU to continue the benefit as set forth in the Side Letter of Understanding, the Court will provide the following alternative reimbursement benefit:

If the Court identifies a specific third-party vendor that it wishes to utilize for the transmittal and delivery of transcripts to the Court, Court Reporters shall agree to utilize that vendor; and the Court will reimburse Court Reporters who provide proof of payment for the cost associated with using the third-party vendor.

This section shall only be in effect for the term of this Agreement, after which it will automatically expire. The Court shall have no obligation to continue this benefit after the expiration of the Agreement absent express agreement by the Parties in a successor Agreement.

ARTICLE 43 CONSULTATION ON RULES

Management retains the right to promulgate policies, procedures, rules and regulations affecting wages, hours and working conditions which are not in conflict with the terms of the Memorandum of Understanding. Both the Union and employees will be provided reasonable advance notice of new and or changed policies, procedures, rules and regulations affecting wages, hours or working conditions except in case of emergency. Should the Union request consultation, the Court will consult with the Union concerning

¹ Licensees must pay renewal fees by the last day of the month of their birth. Renewal fees are delinquent the day after the license expires. If a Court Reporter does not pay their license renewal fees on time, they are ineligible for reimbursement.

such new or amended Court rule, policy or procedure.

In cases of emergency, when the Court determines that any rule, policy, or procedure must be adopted immediately without prior notice or meeting, the Court will provide such notice and opportunity to meet at the earliest practicable time following the adoption of the rule, policy or procedure.

Nothing contained herein will prevent the Union from grieving the effect of such change in accordance with the Grievance Procedure contained herein.

However, the impact of new and/or changed policies, procedures, rules, and/or regulations will be included within the scope of representation as those matters affect wages, hours, and terms and conditions of employment of trial court employees. The Court will be required to meet and confer in good faith with respect to that impact.

ARTICLE 44 RIGHTS OF UNIT

At the written request of Local 721, Management may approve time off with pay for one (1) employee (additional employees may be approved by mutual agreement of the parties) in the Court Reporter Unit, designated by Local 721 as spokesperson for the unit, to attend Fringe Benefits negotiations between Local 721 and the County of Los Angeles where the subject of such negotiation meetings involve issues affecting employee relations of employees in the Unit.

The name of the employee so designated will be provided, in writing, by Local 721 to management. Local 721 agrees that the employee designated will not log nor be entitled to compensatory time or premium pay for the time spent pursuing the aforementioned activities allowed under this Article.

ARTICLE 45 COURTROOM REPORTING CONDITIONS

Management will provide Judicial Officers information about the factors that contribute to a courtroom environment that enables Court Reporters to create an accurate and complete record of proceedings. The Court recognizes that reporting assignments can vary in the demands made upon the physical and mental stamina of Court Reporters and that a Court Reporter may need to advise the Judicial Officer that they are fatigued and needs a break. Management will inform Judicial Officers about the importance of providing Court Reporter

breaks.

Management will also inform the Judicial Officers regarding remote proceeding protocol and the Court Reporter's responsibility to interrupt as needed to protect the record, and CCP 367.75.

ARTICLE 46 ACCESS TO COURTCONNECT

The Court will provide Court Reporters access to CourtConnect (the Court's intranet) at each courthouse location.

ARTICLE 47 ACCESS TO INTERNET

In order to facilitate effective Court Reporter service to the bench and bar, the Court will make high-speed Internet access available to Court Reporters at each courthouse.

ARTICLE 48 LOCAL RULES OF COURT

Management will provide Joint Council a copy of any proposed changes to the Local Rules of Court at least forty-five (45) days before such rules are adopted and, if requested to do so, will meet and confer with Joint Council on provisions Joint Council believes directly impact court reporters.

ARTICLE 49 STRIKES AND LOCKOUTS

During the life of this agreement no work stoppages, strikes, slowdowns, or picketing will be caused or sanctioned by the Union, and no lockouts will be made by the Court. In the event any employees covered by this agreement, individually or collectively, violate

the provisions of this Article and the Union fails to exercise good faith in halting the work interruption, the Union and the employees involved will be deemed in violation of this Article, and the Court will be entitled to seek all remedies available to it under applicable law.

ARTICLE 50 JOINT LABOR/MANAGEMENT COMMITTEE

Section 1

It is the intention of the parties to establish a Joint Labor/Management Committee that provides a forum for labor and Management to jointly discuss issues of concern affecting employees of SEIU bargaining unit 861.

Section 2

The Joint Labor/Management Committee will consist of up to five (5) Management representatives and up to six (6) employee representatives as designated by The Joint Council. The Management representatives will be designated by the Executive Officer/Clerk of Court.

Section 3

During the term of this MOU, the Joint Labor/Management Committee may meet during working hours, upon written request of either party. The Joint Council will provide Management a list of proposed agenda items at least one (1) week (i.e., seven calendar days) prior to any meeting. If the list of proposed agenda items is not provided at least one (1) week in advance of the scheduled meeting, the Joint Labor/Management Committee meeting will be rescheduled for another date/time that is mutually agreed upon by the parties.

The Committee may also make advisory recommendations to the Executive Officer/Clerk of Court, or designated representative, for consideration.

SIDE LETTER AGREEMENT

Between SEIU, Local 721/LACCRA Joint Council and Los Angeles Superior Court Pertaining to Court Reporter Performance Evaluations.

The undersigned agree as follows:

- LACCRA and Court Reporter Services Management will meet and confer about the form that is to be used and the schedule for completing Court Reporter performance evaluations.
- To facilitate the transition into the performance evaluation program, the Performance Evaluation Form will not be completed for any Court Reporter for twelve (12) months following completion of the meet and confer process.

Diana Van Dyke, President Joint Council of Los Angeles County

Court Reporters Association and Service Employees International Union, Local 721,

CTW, CLC

Sherri R. Carter, Executive Officer/Clerk of

Court, Superior Court of California, County of Los Angeles

Rence Anderson, SEIU Local 721

Joint Council Spokesperson

Ivette Peña, Court Spokesperson

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute the Memorandum of Understanding the day, month and year first above written.

JOINT COUNCIL OF LOS ANGELES COUNTY COURT REPORTERS ASSOCIATION AND SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 721, CTW, CLC SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

UNION, LOCAL 721, CTW, CLC Robert Hunt Bob Hunt, Chief Negotiator, SEIU, Local David W. Slayton, Executive Officer/Clerk 721 of Court Jay Trinnaman, Chief Negotiator, Court Renee Anderson, Director, SEIU, Local 721 Vindy Tachell Kathie O'Connell E199D29406C84E0.. EEA5B8ED636A49B Cindy Tachell, LACCRA, President Kathie O'Connell, Director DocuSigned by: Robbin Hill C255142F42AF4C3. Rosalina Nava, CSR Robbin Hill, Senior Administrator DocuSigned by: Bryan Lui, Managing Court Reporter Carol Herrera, CSR DocuSigned by: Shanna Gray lesse Pickelsimer 3234883F2B5D4A5. Shanna Gray, CSR Jesse Pickelsimer, Managing Court Reporter DocuSigned by: DocuSigned by: Lorraine Romin Joi L. Williams B9DC055EE8E440... Lorraine Romin, CSR Joi L. Williams, Deputy Director **Labor Relations**

Bianca Torres, CSR

| Docusigned by. |
|--|
| Reyna Ota |
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| Reyna Ota, CSR |
| DocuSigned by: |
| Marlene Burris |
| Marlene Burris, CSR |
| DocuSigned by: factyof(Intlu D7F44A8DC97045D |
| Jaclyn Verkler, CSR |
| DocuSigned by: |

Docusigned by:

Michael Baumberger

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Michele Baumberger, Administrator II

Docusigned by:

Sasmine Leonard
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Jasmine Leonard, HR Manager, Labor Relations

| No. | | | |
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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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.

PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT AND BAY AREA LEGAL AID'S APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 3 OF 6 - PAGES 443-673

Service on Attorney General required by Cal. Rules of Court, rule 8.29(c)

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Los Angeles, CA 90067.

On December 4, 2024, I served true copies of the following document described as:

PETITIONERS' APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 3 OF 6 - PAGES 443–673

on the interested parties in this action as follows:

BY TRUEFILING: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx, with delivery fees paid and provided for, and addressed to the persons at the addresses listed in the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

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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 December 4, 2024 at Los Angeles, California.

| Denis Listengourt | |
|-------------------|--|

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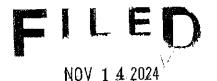
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TAB 8



Clerk of the Court
Superior Churt of CA County of Santa-Chara
BY DEPUTY

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA

GENERAL ORDER RE OPERATION OF ELECTRONIC RECORDING EQUIPMENT FOR SPECIFIED PROCEEDINGS INVOLVING FUNDAMENTAL LIBERTY INTERESTS IN THE ABSENCE OF AN AVAILABLE COURT REPORTER

EXECUTIVE SUMMARY

Six years ago, the California Supreme Court warned that "the absence of a court reporter at trial court proceedings and the resulting lack of a verbatim record of such proceedings will frequently be fatal to a litigant's ability to [appeal]." (Jameson v. Desta (2018) 5 Cal.5th 594, 608 (Jameson).) "[I]t is an appellant's burden to provide an adequate record demonstrating error. Failure to provide an adequate record on an issue requires that the issue be resolved against appellant. Without a record, either by transcript or settled statement, a reviewing court must make all presumptions in favor of the validity of the judgment. [Consequently], [an] appellant is effectively deprived of the right to appeal." (Randall v. Mousseau (2016) 2 Cal.App.5th 929, 935 (internal citations omitted).)

The Jameson Court, invalidating a Superior Court's practice of requiring indigent parties to retain and pay for a court reporter, is one of many instances in which our Supreme Court, Courts of Appeal, and Superior Courts have rejected laws, rules, and policies that might "significantly chill [a] litigant's enjoyment of the fundamental protections of the right to appeal." (Coleman v. Gulf Ins. Group (1986) 41 Cal.3d 782, 797.) "The State of California is not

constitutionally required to establish avenues of appellate review, 'but it is now fundamental that, once established, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.' [Citation.]" (In re Arthur N. (1974) 36 Cal.App.3d 935, 939.) This General Order reflects the Court's intention to promote equal access to "the fundamental protections of the right to appeal."

Santa Clara County Superior Court ("SCCSC" or "the Court") has experienced significant difficulty in hiring employee court reporters for nearly 10 years due to an ongoing, nationwide decrease in the number of reporters seeking employment and despite extensive recruitment and retention efforts; new court reporters simply are not entering the workforce at the same rate as those retiring out.¹ While the Court employed the full-time equivalent ("FTE") of 70 court reporters in 2011, that number has steadily declined as follows:

2017 54 FTE court reporters

2022 35 FTE court reporters

2024 28 FTE court reporters

As of the date of this General Order, the Court employs the full-time equivalent of 28.1 court reporters. However, at any time, the Court may receive a notice of retirement or resignation or hire a new court reporter; the number of employees is steadily declining rather than increasing. Moreover, the actual number of reporters available each day is less than the number of reporters employed because of necessary leaves for vacation, illness or injury and preparation of statutorily mandated transcripts.

Without a court reporter, vast numbers of litigants are left without any verbatim record of hearings that may have a profound impact on their rights and lives. In 2023, our Court held more than 56,000 hearings for which there was no verbatim record of proceedings unless one or both parties retained and paid for a private court reporter, which significantly limits the parties' appellate rights. There have been 59,000 more such hearings in 2024 to date, which means that, on average, each day, nearly 290 hearings occur in our Court where the parties do not have

These and other facts set forth in this order regarding the scope and scale of this crisis are explained in further detail and supported with documentation in the Declaration of Court Executive Officer and Clerk of Court Rebecca J. Fleming dated November 14, 2024.

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access to a verbatim record unless they retain and pay for a private court reporter. This crisis should not be countenanced by any public official dedicated to access to justice to the residents of Santa Clara County.

The decreasing number of court reporters available to be hired has been evident for years. drawing persistent warnings from leaders in the judiciary and legislature, as well as from accessto-justice non-profit organizations and others. This crisis has steadily grown over the past several decades and constitutes a major change from how courts have long operated. "[I]n modern times there [was] a court reporter, who ma[de] a record of all the proceedings." (In re Dolgin Eldert Corp. (1972) 31 N.Y.2d 1, 5.) But that is no longer true for participants in California's justice system; for many litigants today, even when their fundamental rights are at stake, they do not have access to a verbatim record of the proceedings unless they retain and pay for a private court reporter.

Under current law, SCCSC is mandated to staff courtrooms with court reporters for felony, juvenile justice, juvenile dependency, and certain other proceedings, including when requested by an indigent party with an approved fee waiver; however, the number of reporters employed by the Court has significantly declined from 70 FTE court reporters in 2011 to 28 FTE court reporters in 2024, despite the Court's increasingly aggressive efforts to hire and retain court reporters. In 2017, to consistently staff the mandated and family law courtrooms, SCCSC was forced to reassign court reporters from unlimited civil and most probate departments. In 2020, SCCSC was forced to reassign court reporters from family departments to consistently staff the mandated courtrooms. Pursuant to Local General Court and Administration Rules. rule 7, litigants must retain and pay for a private court reporter to prepare a verbatim record. Today, with too few employee court reporters and a significant reduction to the General Fund, the Court will not be able to assign a court reporter even to every mandated proceeding.

As a last resort to preserve the appellate rights of litigants and carry out SCCSC's "duty in the name of public policy to expeditiously process civil cases" (Apollo v. Gyaami (2008) 167 Cal.App.4th 1468, 1487 (Apollo)), this General Order permits individual judicial officers of SCCSC to authorize the electronic recording ("ER") of hearings at which fundamental rights are

at stake. SCCSC cannot achieve these important goals through settled or agreed statements, which rightly are understood to be "cumbersome and seldom used" options (Klatchko & Shatz, 1 Matthew Bender Practice Guide (2024) Cal. Civil Appeals and Writs 7.27), whose "inherent limitations usually make them inferior to a reporter's transcript." (Eisenberg et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 2023) ¶ 4:45a). These theoretical alternatives are not feasible given the vast number of hearings at issue. Moreover, "the potential availability of a settled or agreed statement does not eliminate the restriction of meaningful access caused by" a party's inability to secure a verbatim record. (Jameson, supra, 5 Cal.5th at p. 622, fn. 20.)

The Legislature permits courts to use ER to create a verbatim record of proceedings in misdemeanor, infraction, and limited civil cases. (Gov. Code, § 69957 (hereafter, "section 69957").) As a result, in 2023, SCCSC successfully used ER to create verbatim transcripts in 112 cases as the official record. At SCCSC and across the state, it is clear that ER is a reliable alternative when a court reporter is not reasonably available. "Perhaps the time has come at last for California to enter the 20th century and permit parties to record proceedings electronically in lieu of the far less reliable method of human stenography and transcription. Until that day, however, we believe the right to effective appellate review cannot be permitted to depend entirely on the means of the parties." (*In re Marriage of Obrecht* (2016) 245 Cal.App.4th 1, 9 fn. 3.)

In 2023 and early 2024, members of the public, access-to-justice nonprofits, the Judicial Council of California, and lawyers for particularly vulnerable litigants in family law matters implored the Legislature to amend section 69957 to permit ER in additional types of matters when a court reporter is not available. Despite widespread public support for this expansion, the Legislature did not act and has entered its final recess for the year before adjournment *sine die*.

At the time it was enacted, section 69957 may have been intended to ensure that proceedings other than misdemeanor, infraction, and limited civil cases were assigned court reporters; but when a court reporter is not reasonably available, section 69957 effectively denies parties any verbatim record at all, which "will frequently be fatal to a litigant's ability to

[appeal]." (Jameson, supra, 5 Cal.5th at p. 608.) In such instances, section 69957 draws an indefensible distinction between misdemeanor, infraction, and limited civil hearings and all other hearings at which the Court may not implement ER, even when no court reporter is reasonably available.

Indeed, the Court of Appeal has struck down such a distinction in the past, holding that where verbatim transcription is provided to felony defendants, "statutes, which permit the municipal court to deny defendants of misdemeanor criminal actions the availability of a phonographic reporter, or an electronic recording device, or some equivalent means of reasonably assuring an accurate verbatim account of the courtroom proceedings, fail to comport with constitutional principles of *due process* and *equal protection of the laws*." (See *In re Armstrong* (1981) 126 Cal.App.3d 565, 572-574 (*Armstrong*), original italics.) Currently, section 69957 permits ER in some proceedings but does not permit ER in other proceedings that implicate constitutionally protected fundamental interests and liberty interests of the litigants. Where such fundamental rights and liberty interests are at stake, the denial of ER to litigants who cannot reasonably secure a court reporter violates the constitutions of the United States and the State of California. This legislative discrimination is not narrowly tailored to meet a compelling state interest as required by a constitutionally mandated strict scrutiny analysis. The Court does not believe there is any valid justification for depriving litigants of a verbatim record when a technological means for doing so exists.

The appellate courts are "profoundly concerned about the due process implications of a proceeding in which the [trial] court, aware that no record will be made, incorporates within its ruling reasons that are not documented for the litigants or the reviewing court." (Maxwell v. Dolezal (2014) 231 Cal.App.4th 93, 100.) SCCSC, too, is profoundly concerned about the possibility of the appellate courts reviewing or declining to review decisions where the record is not adequately "documented for the litigants or the reviewing court." (Ibid.) Accordingly, to protect the ability of litigants to appeal where their fundamental rights are at issue and no court reporter is reasonably available, the Court issues this General Order.

THE COURT'S EFFORTS TO HIRE AND RETAIN COURT REPORTERS

For nearly a decade, SCCSC has attempted to hire court reporters to fill vacancies. Since mid-2017, the Court has posted a continuous, ongoing recruitment, but the ongoing unavailability of court reporters prevents the Court from hiring enough reporters to fill the vacancies of the reporters who have left the Court due to retirement or resignation. Each day, the Court operates approximately 63 courtrooms, but the Court only employs the full-time equivalent of about 28 reporters. Our Court is not alone in experiencing this crisis; the shortage of court reporters is statewide and well-documented by the Judicial Council of California, the Court Executive Officers of virtually every California county, and many of the Presiding Judges of those counties.

For the past several years, the State Budget has included funds allocated exclusively to enable trial courts to compete with private employers in the labor market and increase the number of official court reporters in family and civil law cases. By the end of Fiscal Year 2024-2025, the Court will have spent over \$1.1M from the funds earmarked to promote open positions and fund hiring bonuses and retention payments. But the Court's efforts have been unsuccessful. While SCCSC has been able to hire some new court reporters, the number of new hires does not meet or exceed retirements. Despite concerted recruitment efforts from 2017 to the present and the projected expenditure of over \$1.1M from the State Budget court reporter funds, SCCSC has experienced a net reduction of 26 court reporters (from 54 in 2017 to 28 in 2024). The investment in effort and funds has failed to significantly increase the number of court reporters employed by SCCSC and the overall downward trend in the number of court reporters entering the profession leads the Court to believe the shortage cannot be eliminated or sufficiently mitigated by recruitment and retention efforts.

EFFORTS FOR LEGISLATIVE RELIEF

Presiding Judges, Court Executive Officers, and lawyers whose clients are most affected by the absence of a verbatim transcript have implored the California Legislature to take up legislation that could address this crisis. In 2023, California State Senator Susan Rubio introduced SB 662 which would have expanded the use of ER from limited civil, misdemeanor

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and infraction matters under section 69957 to other proceedings when a court reporter was unavailable. But on January 18, 2024, the Legislature failed to advance SB 662 and on August 31, 2024, the Legislature recessed without taking any action.²

THE CONSTITUTIONAL CRISIS

A. SCCSC's Mission

SCCSC serves the public by providing equal justice for all in a fair, accessible, effective, efficient, and courteous manner: by resolving disputes under the law; by applying the law consistently, impartially and independently; and by instilling public trust and confidence in the Court. (See https://santaclara.courts.ca.gov/) This mission flows from the rights provided in the constitutions of the United States of America and the State of California, which all judicial officers swear to support and defend.

The Presiding Judge and Court Executive Officer of SCCSC are aware that our Court's practical inability to provide court reporters, combined with section 69957's statutory prohibition against ER in many proceedings, results in a profound denial of equal justice for all in a fair, accessible, effective and efficient manner. In 2023, the SCCSC held more than 56,000 hearings for which there was no verbatim record of proceedings unless at least one party hired and privately compensated a reporter. In 2024, the number of hearings for which there is likely no verbatim record of proceedings is projected to increase to more than 70,000. Many of these hearings involve the parties' fundamental rights and liberty interests. For those hoping to appeal an adverse ruling, the lack of a verbatim record may be fatal. (*Jameson*, *supra*, 5 Cal.5th at p. 608.)

Permitting ER where a court reporter is not reasonably available would "eliminate the restriction o[n] meaningful access" to the appellate process. (*Jameson*, *supra*, 5 Cal.5th at p. 622, fn. 20.) As stated above, SCCSC successfully uses ER to create a verbatim record in infraction, criminal misdemeanors, and limited civil proceedings, which permitted appellate review in the

² See Joint Rules, Rule 51(b)(3), Senate Concurrent Resolution No. 1 (2023-34 Reg. Sess.) regarding Legislature's "recess on September 1 until adjournment sine die on November 30." Pursuant to California Evidence Code section 452, subdivisions 28 (a), (c), and (g), the Court takes judicial notice of Senator Rubio's introduction of SB 662 in 2023, the Legislature's failure to advance SB 662 on January 18, 2024, and its recess on August 31, 2024, without having taken further action on the bill.

1 Court's Appellate Division in 112 cases in 2023. Unfortunately, outside of infraction, 2 misdemeanor and limited civil proceedings, section 69957 denies litigants access to ER even in 3 hearings where their fundamental rights and liberty interests are at stake, This General Order 4 5 6

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confirms that judicial officers, consistent with the mission of SCCSC and the judicial officers' oaths of office, can authorize ER where fundamental rights and liberty interests are at stake and no court reporter is reasonably available.

B. Section 69957 Prohibits a Verbatim Record for Some Parties

Litigants in matters where there is no court-provided court reporter have two options for seeking a verbatim transcript, neither of which is reasonable in most cases. First, they may try to retain and pay a private court reporter to report the proceeding. But the Judicial Council has found that the same shortage of court reporters in the community has resulted in the per diem cost of retaining a private court reporter, if one can be found, to be prohibitive to all but the wealthiest of litigants.3 Second, one or both parties may ask to continue the hearing with the hope that the Court will be able to assign a court reporter on a later date. But this option results in a pernicious delay in the administration of justice in cases where prompt court action is usually essential. Continuances are not a practical or efficient option for litigants to obtain a verbatim record, considering the trial court's "duty in the name of public policy to expeditiously process civil cases" (Apollo, supra, 167 Cal.App.4th at p. 1487), the harm that could occur to parties from postponing a hearing, and the fact that there are likely to be fewer, not more, court reporters in the future. As a result, litigants have no choice but to proceed without a verbatim record in the more than 70,000 hearings for which there is no court-employed court reporter if the parties cannot reasonably retain or pay a private court reporter and ER is not an option.

С. The Consequence of Proceeding Without a Verbatim Record

As the leading treatise puts it, a verbatim "[t]ranscript may be essential for appellate review." (Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group

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³ Pursuant to California Evidence Code section 452, subdivision (c), the Court takes judicial notice of the Judicial Council of California's January 2024 "Fact Sheet: Shortage of Certified Shorthand Reporters in California," and the Legislative Analyst's Office's March 5, 2024, report to Senator Thomas Umberg, Chair of the Senate Judicial Committee, attached to and incorporated in the Declaration of Court Executive Officer and Clerk of Court Rebecca J. Fleming as Exhibits 4 and 9, respectively.

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appellate law, there are at least three immutable rules: first, take great care to create a complete record; second, if it's not in the record, it did not happen; and third, when in doubt, refer back to rules one and two." (Protect Our Water v. County of Merced (2003) 110 Cal. App. 4th 362, 364.) Our Supreme Court approvingly quoted this guidance in Jameson as part of its explanation for why that "lack of a verbatim record of such 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." (Jameson, supra, 5 Cal.5th at pp. 608-609 & fn. 11.)

The Court of Appeal's decision in In re Christina P. (1985) 175 Cal. App. 3d 115, is instructive on the duty to ensure a verbatim transcript when a hearing may be relevant to a subsequent appeal. "When counsel has reason to anticipate that what is said at a hearing may be pertinent to a subsequent appeal he has a duty to insure that a court reporter is present. [Citation.] Failure to attend to this duty can be tantamount to a waiver of the right to appeal." (Id. at p. 129.) "Where the matter is as grave as termination of parental rights and where the client is an indigent person entitled to a free transcript and a free lawyer on appeal, there is no conceivable rational tactical purpose for trial counsel's failure to insure the attendance of a court reporter." (Id. at pp. 129-130.) The "loss of the ability to show there [was] insufficient evidence to support the judgment" is "the epitome of prejudice." (Id. at p. 130.)

The admonitions of Jameson and In re Christina P. are not aberrations, but conclusions from jurists at all levels of the California court system. Trial judges and appellate justices alike have long understood that a verbatim transcript, rather than a post-hoc summary, is what "a complete record" ordinarily entails. (See Jameson, supra, 5 Cal.5th at p. 608-609 & fn. 11.) 26 "As a general matter ... the absence of a court reporter will significantly limit the issues that must be resolved on the merits on appeal." (Id. at p. 622, fn. 20.)

For that reason, the Supreme Court has rejected summaries in an order or a settled or agreed statement as the cure when a litigant is denied the opportunity to obtain a verbatim transcript. (Jameson, supra, 5 Cal.5th at p. 622, fn. 20.) To be sure, "some issues can be resolved on the clerk's transcript alone or by way of a settled or agreed statement" (ibid.), and

the option of a settled statement "permit[s] parties to appeal without the expense and burden of preparation of a reporter's transcript" if they so elect (*Randall v. Mousseau* (2016) 2 Cal.App.5th 929, 935 (*Randall*)). "There is, however, generally no way to determine in advance what issues may arise or whether such an issue can be raised and decided on appeal absent a verbatim record of the trial court proceedings." (*Jameson*, at p. 622, fn. 20.)

And even for issues that theoretically could be raised on a summary rather than a verbatim record, "where the parties are not in agreement, and the settled statement must depend upon fading memories or other uncertainties, it will ordinarily not suffice." (Armstrong, supra, 126 Cal.App.3d at p. 573; see also People v. Cervantes (2007) 150 Cal.App.4th 1117, 1121 (Cervantes).) Indeed, leading commentators have noted that "[i]t is unrealistic to expect litigants and judges to accurately recall what was said and decided days or even months after the relevant oral proceedings." (Grimes, et al., Navigating the New Settled Statement Procedures (2022) 33(2) Cal. Litig. 24 at p. 28 ["Grimes, Settled Statements"].) Thus, the ability to settle a statement will often depend upon "whether the trial court took 'detailed notes." (Cervantes, at p. 1121 [quoting In re Steven B. (1979) 25 Cal.3d 1, 8–9].) But because section 69957 prohibits trial judges to use ER "for purposes of judicial notetaking," such detailed notes would either be "the notes of a court reporter who had reported the proceedings" (Jameson, at pp. 624-625) or the notes of the trial judge captured while also conducting the hearing.

To this longstanding appellate wisdom, trial judges can add further practical facts: trial judges, like trial counsel, generally cannot "determine in advance what issues may arise" (Jameson, supra, 5 Cal.5th at p. 622, fn. 20), so as to know that this is the moment in a hearing at which "detailed notes" should be taken (Cervantes, supra, 150 Cal.App.4th at p. 1121). And in contentious hearings, particularly those involving unrepresented litigants, judges must focus on their roles as decision-makers and cannot serve as a de facto court reporter. Unfortunately, such hearings, which constitute many of the hearings in SCCSC for which no verbatim record has been created since 2017 and certainly since 2020, are those in which litigants are least likely to be able to manage the complex process of creating a settled statement. Indeed, some may be

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restrained from having any communication with the other following imposition of a domestic violence, workplace violence, elder abuse, or other restraining order.

Moreover, the judicial officers at SCCSC cannot undertake the settled statement process or a detailed contemporaneous minute order for all the hearings that are currently unreported. "[T]rial courts have a duty in the name of public policy to expeditiously process civil cases." (Apollo, supra, 167 Cal.App.4th at p. 1487; Smith v. Ogbuehi (2019) 38 Cal.App.5th 453, 468-469.) Even where lawyers are involved, "the settled statement process may take up to three hours each day to complete." (Grimes, Settled Statements at p. 28 ["To avoid the difficulties of recalling events, some judges require counsel to remain in the courtroom each day until they agree on a settled statement for that day's proceedings. In such courtrooms, the settled statement process may take up to three hours each day to complete...."].) And preparing contemporaneous settled statements with self-represented parties in contentious disputes likely would take even longer than three hours. For that reason, recourse to settled statements is "impractical for courts given the sheer volume of cases on their docket"; "settled statements are not the long-term answer" to the court reporter shortage. (Id. at pp. 28-29.)

D. The Constitutional Rights at Issue

SCCSC judicial officers are obligated to follow the law, including applying statutory law as enacted. But "it is the obligation of the trial and appellate courts to independently measure legislative enactments against the constitution and, in appropriate cases, to declare such enactments unconstitutional." (*People v. Superior Court (Mudge)* (1997) 54 Cal.App.4th 407, 411, as modified (May 9, 1997).) Similarly, "[c]ourts, as custodians of the judicial powers of government, are not obliged to enforce a statute which ... arbitrarily deprives a litigant of his rights." (*People v. Murguia* (1936) 6 Cal.2d 190, 193.)

"Courts are not powerless to formulate rules of procedure where justice demands it.' [Citation.]" (*Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953, 967, as modified on denial of reh'g (Oct. 22, 1997).) Indeed, "all courts have inherent supervisory or administrative powers which enable them to carry out their duties, and which exist apart from any statutory authority.' [Citation.]" (*Ibid.*) In particular, trial courts have "power over the record," which the

Court of Appeal has made clear "must be exercised in a manner that does not interfere with the litigant's statutory right to appeal." (Randall, supra, 2 Cal.App.5th at p. 934.) That is so because once the State has established an avenue of appeal, it "must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.' [Citation.]" (In re Arthur N., supra, 36 Cal.App.3d at p. 939.) This General Order recognizes that judicial officers may conclude they have the duty, given the particular facts of a case, not to enforce the provisions of section 69957 where such enforcement constitutes a constitutional violation.

Fundamental due process liberty interests under both the California and United States constitutions are implicated in judicial determinations of felony charges, disputes concerning the status of the parties' marriage, the parentage rights and obligations related to minor children, custody determinations of minor children, certain conservatorship proceedings and civil contempt hearings. Similarly, imposition of a non-criminal restraining order, including domestic violence, elder abuse, civil harassment, workplace violence, school violence, gun violence, and transitional housing restraining orders, may impinge upon a person's freedoms of expression and speech, free movement, and association, as well as the right to possess firearms and ammunition, all of which also implicate liberty interests under both the California and United States constitutions.

Where such fundamental rights and liberty interests are at issue, the need to preserve parties' appellate rights is even greater. (See, e.g., Armstrong, supra, 126 Cal.App.3d at p. 569 [holding that for statutes governing parties' access to verbatim transcription, "where one's 'personal liberty is at stake,' a statutory scheme 'requires application of the strict scrutiny standard of equal protection analysis"]; People v. Serrano (1973) 33 Cal.App.3d 331, 336 [noting that the Legislature's "deletion of such provision [for relief from a party's appellate default] cannot deprive the appellate courts of their inherent duty to protect constitutional rights"]; People v. Tucker (1964) 61 Cal.2d 828, 832 ["Doubts should be resolved in favor of the right to appeal."].) As the Court of Appeal explained in a case concerning the constitutionality of classifications impacting a statutory right to appeal, "[i]n cases touching upon fundamental interests of the individual, the state bears the burden of establishing not only that it has a

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compelling interest which justifies the suspect classification, but also that the distinctions drawn by the regulation are necessary to further its purpose. [Citation.]" (In re Arthur N., supra, 36 Cal.App.3d at p. 939, original italics.)

Based on these principles, this General Order confirms the discretion of SCCSC judicial officers to authorize ER to preserve parties' right to appeal when their fundamental rights and liberty interests may be at stake in the hearing.

1. Constitutional Rights to Appeal

Under the California Penal Code ("PC"), California Family Code, California Probate Code and California Code of Civil Procedure ("CCP"), parties possess statutory rights to appeal adjudication of felony charges and family law, probate, and civil controversies. (See PC §§ 1237 and 1238; CCP § 902; CCP § 904.1, subds. (a)(1), (10), (14).) Likewise, under CCP section 904.1, parties have a right of appeal from a judgment of contempt. Where a statutory right to appeal is afforded, parties possess constitutional rights related to that right of appeal. (See *In re Arthur N., supra*, 36 Cal.App.3d at p. 939.) The state must not structure appellate rules to deny, based on unreasoned distinctions, some persons the appellate avenue available to others. (*Ibid.*)

The principle of an equal constitutional right to statutory appellate review is well established. In *Lindsey v. Normet* (1972) 405 U.S. 56, 77, the U.S. Supreme Court held that a state's law conditioning appeal in an eviction action upon the tenant posting a bond, with two sureties, in twice the amount of rent expected to accrue pending appeal, was invalid under the equal protection clause when no similar provision is applied to other cases. In *Griffin v. Illinois* (1956) 351 U.S. 12, the Supreme Court held that criminal defendants' due process and equal protection rights were violated by a state statute requiring them to pay a fee for a transcript of trial proceedings to permit appellate review. In the family law context, in *M.L.B v. S.L.J.* (1996) 519 U.S. 102, 124, the Supreme Court held that decrees forever terminating parenting rights are in the category of cases in which a state may not, consistent with the equal protection and due process clauses, "bolt the door to equal justice.' [Citation.]" Accordingly, the state could not

withhold from the appellant a "record of sufficient completeness" to permit proper appellate consideration of her claims. (*Id.* at p. 128.)

2. Fundamental Rights and Liberty Interests in Felony Proceedings

The right to liberty is not only protected by the United States and California constitutions but is regarded as a fundamental human right. "Every person has a fundamental right to liberty in the sense that the Government may not punish him unless and until it proves his guilt beyond a reasonable doubt at a criminal trial conducted in accordance with the relevant constitutional guarantees. [Citation.] But a person who has been so convicted is eligible for, and the court may impose, whatever punishment is authorized by statute for his offense, so long as that penalty is not cruel and unusual, [citations] and so long as the penalty is not based on an arbitrary distinction that would violate the Due Process Clause of the Fifth Amendment." (Chapman v. United States (1991) 500 U.S. 453, 465.)

There are a number of fundamental rights at stake in any felony case, including the right to a fair, public trial (*People v. Covarrubias* (2016) 1 Cal.5th 838, 917); the right to an impartial jury (*People v. Thomas* (2011) 51 Cal.4th 449, 462); the right to competent and conflict-free counsel (*Strickland v. Washington* (1984) 466 U.S. 668, 686; *People v. Doolin* (2009) 45 Cal.4th 390, 419); the right against self-incrimination (*People v. Low* (2010) 49 Cal.4th 372, 389-390); the right to be informed of charges (*People v. Stone* (2009) 46 Cal.4th 131, 141); the right to confront and cross-examine witnesses (*People v. Sanchez*(2016) 63 Cal.4th 665, 679-680); the right to compulsory process (*People v. Jacinto* (2010) 49 Cal.4th 263, 268-269); the right to a speedy trial (*People v. Wilson* (2024) 16 Cal.5th 874, 939); the right against double jeopardy (*People v. Seel* (2004) 34 Cal.4th 535, 541-542); the right against excessive bail (*People v. Seumanu* (2015) 61 Cal.4th 1293, 1368-1369); and the right against cruel and unusual punishment (*In re Kirchner* (2017) 2 Cal.5th 1040, 1046).

3. Fundamental Rights and Liberty Interests in Family Law Proceedings

The appellate review provided to parties in family law matters serves to protect fundamental rights and liberty interests protected under the due process clauses of the United States and California constitutions. Marriage and parenting are fundamental rights which cannot

be diminished or abrogated without a compelling state interest. At a minimum, parties' fundamental rights and liberty interests are at stake in judicial determinations concerning: (1) the status of their marriage, including its dissolution; (2) parentage rights and obligations; (3) the legal and physical custody of their children; and (4) civil restraining order proceedings.

As the U.S. Supreme Court explained over a century ago, "the individual has certain fundamental rights which must be respected," including "the right to marry, establish a home, and bring up children." (Meyer v. Nebraska (1923) 262 U.S. 390, 399, 401.) Five years after that decision, the Court struck down a law that required children to attend public school because it infringed on parents' custodial rights to educate their children as they please. (Pierce v. Soc'y of Sisters (1925) 268 U.S. 510, 534.) In the 1960s, the Court struck down a law banning interracial marriage because it violated the Constitution by infringing on the fundamental right to marry. (Loving v. Virginia (1967) 388 U.S. 1, 12.) A decade later, it struck down a law prohibiting marriage of individuals not current on child support payments because it, too, infringed upon the fundamental right to marry. (Zablocki v. Redhail (1978) 434 U.S. 374, 386.)

More recently, the Supreme Court struck down limitations on same-sex marriages as unconstitutional. (Obergefell v. Hodges (2015) 576 U.S. 644, 666 ["Like choices concerning contraception, family relationships, procreation, and childrearing, all of which are protected by the Constitution, decisions concerning marriage are among the most intimate that an individual can make."].)

The California Constitution similarly protects marriage and family rights. (See, e.g., In re Marriage Cases (2008) 43 Cal.4th 757, 809, superseded by const. amend. on other grounds as stated in Hollingsworth v. Perry (2013) 570 U.S. 693; In re Carmaleta B. (1978) 21 Cal.3d 482, 489 [parenting]; In re B.G. (1974) 11 Cal.3d 679, 693-694 [parenting].) Encompassed within "a parent's liberty interest in the custody, care and nurture of a child is ... the 'right to determine with whom their children should associate.' [Citation.]" (Herbst v. Swan (2002) 102 Cal.App.4th 813, 819.)

Fundamental rights and liberty interests related to marriage and family have direct bearing on the judicial process, too. For instance, "due process does prohibit a State from

denying, solely because of inability to pay, access to its courts to individuals who seek judicial dissolution of their marriages." (*Boddie v. Connecticut* (1971) 401 U.S. 371, 374.) Similarly, in *Little v. Streater* (1981) 452 U.S. 1, 13-17, the Court held that a state must pay for bloodgrouping tests sought by an indigent defendant to enable him to contest a paternity suit.

Again, California precedent is similar and directly addresses the need to ensure parents' appellate rights. In *In Re Rauch* (1951) 103 Cal.App.2d 690, the trial court declared a minor to be a ward of the Court and revoked the guardianship of the father. The father appealed, but his appeal was challenged on the ground he was not affected or aggrieved by the Court's order. To that, the Court of Appeal explained that "[u]nder the American way of life, the child belongs to the family, and any judicial proceeding which seeks to impair or take away a father's parental authority is certainly litigation, in the subject matter of which such father is interested, and, therefore, brings him within the fundamental rule of appellate jurisdiction that "under our decisions any person having an interest recognized by law in the subject matter of the judgment, which interest is injuriously affected by the judgment, is a party aggrieved and entitled to be heard upon appeal." [Citation.] (*Id.* at p. 694.)

Finally, the judicial officers in the Family Law and Civil Divisions are assigned all non-criminal restraining order ("RO") proceedings. These include domestic violence ROs, elder abuse ROs, civil harassment ROs, workplace violence ROs, school violence ROs, gun violence ROs, and transitional housing ROs. A common feature of all such proceedings is that the orders of protection issued following the successful prosecution of a petition includes material impingements on freedom of speech, freedom of movement, freedom of association, and the right to possess firearms and ammunition. (See, e.g., *Molinaro v. Molinaro* (2019) 33 Cal.App.5th 824, 831-833 [striking portion of restraining order as violating appellant's freedom of speech]; cf. *People v. Sanchez* (2017) 18 Cal.App.5th 727, 756 [noting, in the anti-gang-injunction context, the importance of due process before a party is "subjected to an injunction with profound consequences for daily life, including family relationships, freedom of movement, and civic participation in the neighborhood in which he lives"].) Such orders clearly bear upon constitutional rights and liberties under the United States and California constitutions.

4. Fundamental Rights and Liberty Interests in Probate Proceedings

Fundamental liberty interests akin to those in a criminal context are also implicated in cases involving civil commitment and Lanterman-Petris-Short ("LPS") conservatorships in probate proceedings. (See, e.g., *People v. Dunley* (2016) 247 Cal.App.4th 1438, 1451 ["The California Supreme Court has long held that under California law, equal protection challenges to involuntary civil commitment schemes are reviewed under the strict scrutiny test because such schemes affect the committed person's fundamental interest in liberty."].) Recognizing that the "due process clause of the California Constitution requires that proof beyond a reasonable doubt and a unanimous jury verdict be applied to conservatorship proceedings under the LPS Act," the California Supreme Court outlined the ways in which gravely disabled conservatees' fundamental liberty interests could be impinged in *Conservatorship of Roulet* (1979) 23 Cal.3d 219, 227 (*Roulet*).⁴

Matters in other conservatorship contexts under the Probate Code, not involving confinement, may also implicate fundamental rights. For example, in *Conservatorship in Wendland* (2001) 26 Cal.4th 519, 554, the Supreme Court recognized the conservatee's "fundamental rights to privacy and life" in a case involving a conservator's request to withdraw nutrition from a conscious conservatee. In addition, some guardianship proceedings are likely to implicate fundamental liberty interests when they involve custodial parental rights. (See *Santosky v. Kramer* (1982) 455 U.S. 745, 753 ["The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood

money when it will benefit the conservatee (Prob. Code, § 1533). In addition, the Court may grant the conservator

any or all of the powers specified in Probate Code section 1853.5 (See § 5357.)," (Roulet, supra, 23 Cal, 3d at p. 227.

4 "The gravely disabled person for whom a conservatorship has been established faces the loss of many other

footnote omitted.))

liberties in addition to the loss of his or her freedom from physical restraint. For example, the conservator is also given the powers granted to the guardian of an incompetent in chapters 7, 8 and 9 of division 4 of the Probate Code. (§ 5357; Prob. Code, § 1852.) These include: payment of the conservatee's debts and collection or discharge of debts owed the conservatee (Prob. Code, § 1501); management of the conservatee's estate, including sale or encumbrance of the conservatee's property (Prob. Code, §§ 1502, 1530); commencement, prosecution, and defense of actions for partition of the conservatee's property interests (Prob. Code, §§ 1506-1508); disposition of the conservatee's money or other property for court-approved compromises or judgments (Prob. Code, §§ 1510, 1530a); deposit of the conservatee's money in a bank, savings and loan institution, or credit union (Prob. Code, § 1513); the giving of proxies to vote shares of the conservatee's corporate stocks (Prob. Code, § 517); and the borrowing of

relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life."].)

Whether fundamental rights are implicated in a probate conservatorship or guardianship proceedings may be a fairly fact-specific inquiry requiring a case-by-case determination, but where such a determination is made, it weighs in favor of ensuring a verbatim record of proceedings.

5. Fundamental Rights and Liberty Interests in Civil Contempt Proceedings

Finally, judicial officers in the Family Law, Probate and Civil Divisions hear orders to show cause why a person should not be found in civil contempt for their willful failure to follow a lawful court order. A person's first conviction for such contempt exposes that person to criminal penalties, including fines of up to \$1,000 and incarceration of up to five days per count. (See CCP § 1218.) Penalties for subsequent convictions are increased. (See *Ibid.*) Such orders likewise implicate constitutional rights and liberties.

In sum, the United States and California constitutions protect the fundamental rights and liberty interests at stake in felony charges; marriage, dissolution of marriage, parentage rights and determinations, custody determinations, and restraining orders in the family court; specified conservatorship and guardianship proceedings in probate court; and civil contempt proceedings in family, probate, and civil court. When parties in such proceedings believe those constitutional rights have been violated, the California Legislature provides the ability to seek appellate review. The precedent of the California Supreme Court and Court of Appeal, as well as of the United States Supreme Court, teaches that the procedures for seeking that appellate review cannot draw impermissible distinctions between different classes of would-be appellants. Where underlying fundamental rights are at stake, procedures that limit appellate rights face strict scrutiny. Thus, a limit on the ability to secure a verbatim record of a trial court proceeding that results in a limit on the ability to appeal for some litigants and not others must further a compelling governmental interest and must be narrowly tailored to achieve that interest.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1. California provides a statutory right of appeal in felony, family law, probate, and civil proceedings.
- 2. Felony defendants and family law, probate, and civil litigants have fundamental interests protected by the due process clauses in court proceedings involving their felony charge, marriage, the parentage and custody of their children, certain conservatorship and guardianship matters, their rights under restraining orders, and civil contempt proceedings.
- 3. The absence of a verbatim record will frequently be fatal to litigants' ability to appeal from adverse decisions in such proceedings.
- 4. For a number of years, SCCSC has been unable to assign a court-employed court reporter to its family law, probate, or civil departments given the Court's shortage of court-employed reporters and its legal obligation to provide reporters in mandated matters. Currently, SCCSC will be unable at times to assign a court-employed court reporter to even mandated proceedings given the Court's shortage of court-employed reporters and insufficient funding to hire costly reporters from a court reporter agency.
- 5. SCCSC has attempted to retain and hire more court reporters, but those attempts have been unsuccessful and are likely to remain unsuccessful. The Court has the full-time equivalent of 28 employee court reporters for 63 courtrooms. There is no reason to believe that the Court will be able to hire sufficient court reporters to reliably staff even its mandated departments, let alone the family law, probate, and civil departments. At present, available court reporters do not exist to be hired.
- 6. California law, under section 69957, permits electronic recording of infraction, criminal misdemeanor, and limited civil matters for the purpose of creating a verbatim record of proceedings. Pursuant to section 69957, SCCSC has a reasonable alternative method of permitting the creation of a verbatim record of proceedings via electronic recording technology in the absence of an available court reporter.

- 7. The judges in SCCSC's Appellate Division successfully reviewed and decided 112 appeals in 2023 when ER was used to create a record of infraction, criminal misdemeanor, and limited civil matters for the purpose of creating a verbatim transcript.
- 8. The limitations of section 69957, which does not permit electronic recording of felony, family law, probate, and civil matters, essentially prevents litigants from protecting their appellate rights in even those matters involving constitutionally protected fundamental rights and liberty interests.
- 9. As a consequence of the shortage of court-employed court reporters and the limitations of section 69957, more than 56,000 family law, probate, and civil hearings occurred in SCCSC in 2023 and more than 70,000 family law, probate and civil hearings will have occurred in 2024 for which no verbatim record of proceedings could be made unless one or more of the parties retained and paid for a private reporter. More hearings will occur each year. As a result, the court reporter shortage has become an emergency and a crisis in appellate and, ultimately, constitutional rights.
- 10. Many in the judicial branch, along with others, have unsuccessfully attempted to persuade the California Legislature to amend the law to ameliorate this crisis. The Legislature has now entered its final recess for the year prior to adjournment *sine die* without any steps to address the crisis.
- 11. When judicial officers in SCCSC adhere to the limitations of section 69957, no transcript is available to vast numbers of litigants in matters implicating constitutionally protected rights and liberty interests even though electronic recording technology is in place which could create a verbatim record.
- 12. The distinction section 69957 draws among classes of litigants has resulted in SCCSC family law, probate, and civil litigants suffering actual and serious constitutional harms on account of this legislative discrimination. The discrimination in the law between circumstances in which electronic recording is permitted and prohibited does not pass constitutional muster under the applicable strict scrutiny standard. Indeed, the Court cannot see any legitimate let alone compelling reason why the option of electronic recording is given to

a party in a limited civil matter involving a small economic loss but denied to a defendant facing a felony charge, a petitioner seeking a restraining order against an abusive partner, a parent facing the loss of custody over their child, a person with grave disabilities facing the imposition of a conservatorship, or a contemnor looking at jail time. Section 69957 could be more narrowly tailored so that it does not deny those litigants a verbatim record when no court reporter is reasonably available. Instead, judicial officers in SCCSC have conducted hearings in which section 69957 has failed strict scrutiny and might indeed fail even lower levels of scrutiny.

13. Rather than restrict the appellate rights of litigants in matters touching upon fundamental constitutional rights and liberty interests, SCCSC has a reasonable alternative method of permitting the creation of a verbatim transcript of proceedings via electronic recording technology. In the absence of a reasonably available court reporter which will ameliorate or eliminate the constitutional violations, the judicial officers of SCCSC should have the option to preserve and protect constitutional rights rather than limit and impinge upon them.

GENERAL ORDER

Accordingly, the Presiding Judge hereby ORDERS the Clerk of Court to direct Courtroom Clerks to operate the electronic recording equipment in felony, family law, probate and civil departments as directed by the judicial officer presiding in such department when that judicial officer finds that: (1) the proceeding concerns matters that implicate fundamental rights or liberty rights as described herein; (2) one or more parties wishes to have the possibility of creating a verbatim transcript of the proceedings; (3) no official court-employed court reporter is reasonably available to report the proceeding; (4) the party requesting a verbatim record has been unable to secure the presence of a private court reporter to report the proceeding because such reporter was not reasonably available or on account of that party's reasonable inability to pay; (5) the proceeding involves significant legal and/or factual issues such that a verbatim record is likely necessary to create a record of sufficient completeness; and (6) the proceeding should not,

| 1 | in the interests of justice, be further delayed. The Court may impose reasonable fees when such | | |
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| 2 | order is made. | | |
| 3 | THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN | | |
| 4 | EFFECT UNTIL OTHERWISE ORDERED BY THE PRESIDING JUDGE. | | |
| 5 | HXIII. AD | | |
| 6 | Dated: November 14, 2024 | | |
| 7 | Honorable Beth McGowen Presiding Judge of the Superior Court | | |
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DECLARATION OF COURT EXECUTIVE OFFICER AND CLERK OF COURT REBECCA J. FLEMING

I, Rebecca J. Fleming, declare:

BACKGROUND

- 1. I am the Chief Executive Officer/Clerk of Court and Jury Commissioner for the Santa Clara County Superior Court ("SCCSC" or "the Court"), offices I have held since December 2016. I have personal knowledge of the facts contained in this declaration and would testify to them if called upon to do so.
- 2. I have worked in California State Court administration and operations for nearly 26 years. Before joining SCCSC, I served with the Stanislaus County Superior Court as Chief Executive Officer/Clerk of Court and Jury Commissioner from 2013 to December 2016, Assistant Executive Officer from 2008-2013 and Chief Financial Officer from 1998-2008. I served on the Judicial Council of California from 2020 through 2023. I have been a member of the Court Executives Advisory Committee ("CEAC") since 2015 and I served as Chair of CEAC in 2022-2023. I have served as Vice Chair of the Trial Court Budget Advisory Committee since 2013 to the present and I was Co-Chair of the Funding Methodology Subcommittee ("FMS") from 2015 2023; since 2024 to the present, I remain a member of FMS. I hold Bachelor of Science and Master's degrees in Business Administration. I have also completed the Tri-State Leadership Academy and the National Center for State Courts' Certified Court Executive Program.
- 3. SCCSC is the 6th largest trial court in California, with 82 judges and commissioners and 521 employees who work in 7 different courthouses across the county. The Court's judicial officers decide every case type under State law criminal, juvenile justice, juvenile dependency, civil, family, probate, and traffic and the range of cases includes murders, removals of abused or neglected children, complicated divorce and custody proceedings, restraining orders, multi-million-dollar lawsuits, involuntary commitments, child support enforcement, guardianships, landlord/tenant disputes and traffic infractions.

THE VERBATIM RECORD CRISIS IN OUR COURT

Declining Number of Court Reporters Employed by SCCSC

- 4. SCCSC has experienced significant difficulty in hiring employee court reporters for nearly 10 years due to an ongoing, nationwide decrease in the number of reporters seeking employment and despite extensive recruitment and retention efforts, discussed in detail below; new court reporters simply are not entering the workforce at the same rate as those retiring out. While the Court employed the full-time equivalent ("FTE") of 70 court reporters in 2011, that number has steadily declined as follows:
 - 2017 54 FTE court reporters

- 2022 35 FTE court reporters
- 2024 28 FTE court reporters

As of the date of this declaration, the Court employs 29 employee court reporters which is equivalent to 28.1 full-time positions. However, at any time, the Court may receive a notice of retirement or resignation or hire a new court reporter. The fact is, the number of employees is steadily declining, not increasing. Moreover, the actual number of reporters available each day is less than the number of reporters employed because of necessary leaves for vacation, illness or injury and preparation of statutorily mandated transcripts.

5. SCCSC's experience is shared by courts everywhere. For many years, court executive officers and judicial branch leaders throughout California and the nation have studied and discussed the decreasing number of court reporters available for employment.¹

Court Reporters Are Not Mandated in Unlimited Civil, Family and Probate

6. Court reporters are not legally mandated for unlimited civil, family, and probate matters. So, in June 2017, as the number of court reporters employed by SCCSC continued to decline, the Court adopted a policy permitting parties to retain private reporters for most civil and probate proceedings to reassign the civil trial and probate reporters to mandated and family proceedings. In 2020, the Court revised its Privately Compensated Court Reporter Policy to

¹ See Exhibit 1, Judicial Council materials, including Press Release dated November 2, 2022, entitled "There is a Court Reporter Shortage Crisis in California," and Judicial Council Fact Sheet: Shortage of Certified Shorthand Reporters in California, dated January 2024. This exhibit, as well as all those attached to and incorporated herein are true and correct copies of the original documents maintained by the Court.

permit parties to retain private reporters for most family proceedings to reassign the family reporters to mandated proceedings.

Electronic Recording is Not Permitted in Unlimited Civil, Family and Probate

- 7. Although court reporters are not mandated for unlimited civil, family, and probate matters, California Government Code section 69957 does not permit courts to use electronic recording ("ER") to create a verbatim record of proceedings; ER is only permissible in misdemeanor, infraction, and limited civil cases and for the purpose of monitoring the performance of "subordinate judicial officers" such as court commissioners.
- 8. According to data in the Court's case management system, Enterprise Justice ("EJ"), in 2023, the Court held 30,444 family hearings, 18,830 unlimited civil hearings and 7,468 probate hearings a total of 56,742 hearings for which there was no verbatim record of proceedings unless at least one party hired and privately compensated a reporter. In 2024, according to EJ, the number of hearings for which there is likely no verbatim record of proceedings is projected to increase to 70,913:

| Case Type | Total Hearings through 10/23/24 | Projected Hearings through 12/31/24 | Average Number of Hearings Per Day |
|-----------------|------------------------------------|--|---------------------------------------|
| Family | 29,662 | 35,594 | 145 |
| Probate | 7,176 | 8,611 | 35 |
| Civil Unlimited | 22,257 | 26,708 | 109 |
| TOTAL | 59,095 | 70,913 | 289 |

9. As a public officer dedicated to securing justice and access to justice for the residents of Santa Clara County, Government Code section 69957's prohibition against using ER in unlimited civil, family and probate cases is intolerable.

SCCSC Is Unable to Assign Employee Court Reporters to Mandated Courtrooms

10. Under current law, SCCSC is mandated to staff courtrooms with court reporters for certain criminal, juvenile justice, juvenile dependency, and other proceedings, including when requested by an indigent party with an approved fee waiver pursuant to *Jameson v. Desta*

(2018) 5 Cal.5th 594 (*Jameson*). However, with only 28 FTE court reporters, the Court is unable to regularly assign employee court reporters to the approximately 37 departments hearing felony criminal, juvenile, LPS (involuntary commitments), contempt and fee waiver matters. Section 69957's prohibition against using ER in these cases – when the Court has made every attempt within its means to find a reporter – is also intolerable.

SCCSC'S EFFORTS TO HIRE AND RETAIN COURT REPORTERS

Recruitment Efforts²

- 2017, the Court has posted a "continuous recruitment" for full-time and part-time employee court reporters to the National Court Reporters Association, Monster, Career Builder, Indeed, LinkedIn, Glassdoor and Government Jobs. In 2018, the Court expanded its recruitment efforts to include Northern California and Los Angeles court reporting schools and the California Court Reporters Association. In addition, the Court mailed 1800 letters to court reporters listed in the California Court Reporters database, inviting them to an open house job fair in March 2019 to learn about employment at the Court. In 2022, the Court advertised the Court's employment opportunities on even more job boards such as ZipRecruiter, Dice and SimplyHired.
 - 12. The Court's recruitment efforts from 2023 to present also include:
 - Actively recruiting Court Reporters by posting the position monthly on job boards and court reporting schools.
 - Providing informative resources to candidates who do not meet the minimum qualifications, outlining the steps to become a certified court reporter.
 - Expediting the hiring process by scheduling interviews within 1-2 days of application submission.
 - January 2023: Sent 4,755 job information mailers to court reporters registered with the California Court Reporters Board (CCRB) list.
 - September 2023: Attended the 2023 California Court Reporters Association (CCRA) Annual Conference and provided recruitment information in person.
 - September 2023: Sent 307 job information mailers to the CCRA attendee list.
 - September 2024: Sent 4,654 job information mailers to the CCRB list.
 - September 2024: Sent 307 job information mailers to the CCRA attendee list.
 - December 2024: Court representatives will conduct a virtual information session with the College of Marin.

² See Exhibit 2, SCCSC's materials regarding court reporter recruitment. As the SCCSC's Chief Executive Officer/Clerk of Court, I authorized the creation, publication, and distribution of these materials.

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Generous Salaries, Differentials, Hiring Bonuses, Longevity Payments and Benefits

- 13. SCCSC offers a generous salary and benefits package for employee court reporters:
 - Salary range \$125,719 \$145,533.
 - Real-time Differential National Real-time certified court reporters receive 10 -20% differential, and Court-administered Real-time certified court reporters receive a 5-10% differential.
 - CART Court reporters who agree to provide Communication Access Realtime Translation ("CART") receive a 5% differential.
 - Hiring Bonus New court reporter employees receive a signing bonus of \$7,500, paid over 2 years.
 - Longevity Pay After 10 years of continuous service, court reporter employees receive \$50 per pay period as longevity payment.
 - Retirement CalPERs Retirement Plan.
 - Health Insurance Kaiser, HealthNet, and Valley Health Plan are offered. The Court currently fully covers Kaiser premiums for employees and their dependents.
 - The Court also fully covers dental and vision insurance.
 - Employer paid Basic Life Insurance
 - Holidays and Leave Benefits 14 paid holidays, up to 31 days of paid vacation and paid sick leave.
 - Deferred Compensation Plan is offered.
 - Reimbursement for training, parking, association membership and equipment up to a maximum of \$2000 for each employee and, in addition, for travel by rideshare between courthouses during court hours.
- 14. For the past several years, the State Budget has included funds allocated exclusively to enable trial courts to compete with private employers in the labor market and increase the number of official court reporters in family and civil law cases. By the end of Fiscal Year 2024-2025, the Court will have spent over \$1.1M from the funds earmarked to increase the number of employee reporters in family and civil law cases.
- 15. In sum, the Court hires every qualified court reporter candidate when they apply but – despite all the recruitment and retention efforts described above – not only is the Court unable to increase its number of employee reporters, it is unable to maintain a stable number of employee reporters.

Court Reporter Internship Program

16. In 2022, the Court established an internship program that offers students enrolled in court reporting schools an opportunity to gain hands-on experience by shadowing Lead Court Reporters employed by the Court. Upon licensing by the California Court Reporters Board, interns are invited to apply to SCCSC. To date, the program has hosted 9 interns, 2 of which have been hired as employee reporters by the Court.

Partnership with Department of Rehabilitation³

17. In addition to its internship program, the Court, along with Orange County Superior Court, entered into a partnership with the California Department of Rehabilitation ("DOR") to provide employment opportunities for individuals with disabilities. Together, the Court and DOR support outreach efforts by hosting informational events such as tours and providing opportunities for internships and job shadowing. DOR collaborates with a number of organizations, including DOR offices in Santa Cruz, Monterey, Alameda, San Mateo, and San Francisco counties, Employment Development Departments across four counties, the Veterans Administration, high school co-op programs, workforce boards such as NOVA, and various community partners such as Catholic Charities, Momentum, Goodwill Industries of Silicon Valley, and Hope Services. Once candidates are identified, DOR develops an individualized employment plan for potential applicants. As of today, 2 students have been identified to participate in the Court sponsored job shadow program.

Court Reporter Agency

18. In January 2023, SCCSC entered into a contract with a court reporter agency for as-needed court reporting services ("pro tem reporters" or "pro tems"). Although the vendor has been able to schedule enough pro tems so that the Court can adequately staff the mandated courtrooms, a consistent number of pro tems cannot be guaranteed by our vendor.

Moreover, hiring pro tem reporters is costly. The Fiscal Year 2024-2025 rates are:

• \$1,450 Full day without Real-time

³ See Exhibit 3, SCCSC's materials regarding the DOR Partnership. As the SCCSC's Chief Executive Officer/Clerk of Court, I authorized participation in the DOR Partnership and the creation, publication, and distribution of these materials.

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• \$725

Half-day without Real-time

• \$1,720

Full day with Real-time

• \$870

Half-day with Real-time

Despite the significant reduction in funding for Fiscal Year 2024-2025, the Court allocated \$1.5M in its Fiscal Year 2024-2025 budget for pro tem reporters; at the rate the Court is engaging pro tems, those funds will be depleted before the end of the fiscal year. No other funds are available for pro tem reporters without reducing other staff that support the courtrooms such as courtroom clerks, interpreters, clerk's office clerks, research attorneys, family court services mediators, self-help personnel and court investigators. As a result, the Court must reduce the number of pro tems engaged each day which will result in the court's inability to assign an employee or pro tem reporter to report every mandated proceeding.

19. SCCSC's experience with pro tem reporters is validated by research. The Judicial Council has found that the continuing shortage of court reporters in the community has also resulted in a significant increase in the cost of retaining a private court reporter. If one can be found, the cost of hiring a court reporter is likely to be prohibitive to all but the wealthiest of litigants.⁴

THE PLEA TO THE LEGISLATURE TO ADDRESS THE CRISIS

- 20. In years past, and again in 2023 and throughout 2024, multiple presiding judges and court executive officers of the Superior Courts, the Judicial Council of California, bar groups representing lawyers for the particularly vulnerable litigants in family law proceedings, and members of the public implored the Legislature to amend section 69957 to permit ER in additional court proceedings to address this crisis. Those joining the Superior Courts and Judicial Council of California in urging the Legislature to amend the law to permit ER to address the crisis through written or oral testimony include:
 - Disability Rights Education and Defense Fund

⁴ See Exhibit 4, Judicial Council Fact Sheet: Shortage of Certified Shorthand Reporters in California, stating that the cost to hire a private reporter is "\$2,580/day for a deposition and \$3,300/day for a trial on average."

⁵ See Exhibit 5, Letters of Support for SB 662, attached to the Declaration of David W. Slayton, Los Angeles County Superior Court Executive Officer and Clerk of Court.

| 1 | Elder Law and Disability Rights Center |
|---------------|---|
| ا ہ | • Empower Yolo |
| 2 | Family Violence Appellate Project |
| 3 | Family Violence Law Center |
| ا | Healthy Alternatives to Violent Environments |
| 4 | • Impact Fund |
| ا ہے | • Inner City Law Center |
| 5 | Legal Aid Association of California |
| 6 | • Legal Aid of Marin |
| Ĭ | • Legal Aid Society of San Diego |
| 7 | • Legal Assistance to the Elderly |
| 8 | • Legal Services for Prisoners with Children |
| | Legislative Coalition to Prevent Child Abuse |
| 9 | Lumina Alliance |
| | McGeorge School of Law Community Legal Services |
| 10 | Mothers of Lost Children |
| 11 | National Health Law Program |
| 11 | Neighborhood Legal Services of Los Angeles County |
| 12 | Next Door Solutions to Domestic Violence |
| | One Justice |
| 13 | The People Concern |
| 14 | Western Center of Law & Poverty |
| _ | Los Angeles County Bar Association |
| 15 | California Lawyers Association |
| 16 | Legal Aid Foundation of Los Angeles |
| 16 | Public Counsel |
| 17 | Bet Tzedek Legal Services |
| | Community Legal Aid SoCal |
| 18 | Harriett Buhai Center for Family Law |
| 19 | Levitt Quinn Family Law Center |
| 1 | • Los Angeles Center for Law and Justice |
| 20 | • Los Angeles Dependency Lawyers, Inc. |
| ,, l | • Dependency Legal Services of San Diego |
| 21 | Asian Americans Advancing Justice Southern California |
| 22 | • Consumer Attorneys Association of Los Angeles |
| | Association of Southern California Defense Counsel Mayigan American Ban Agassistican |
| 23 | Mexican American Bar Association |
| 24 | Women Lawyers Association of Los Angeles Aging Posific American Par Association of Los Angeles County |
| ²⁴ | Asian Pacific American Bar Association of Los Angeles County Payarly Hills Par Association |
| 25 | Beverly Hills Bar Association Southern California Chippen Layuvers Aggaziation |
| | Southern California Chinese Lawyers Association Korean American Bar Association of Southern California |
| 26 | |
| 27 | Japanese American Bar Association Arab American Lawyers Association of Southern California |
| - ′ | Arab American Lawyers Association of Southern California Irish American Bar Association Log Angeles |
| 28 | • Irish American Bar Association – Los Angeles |
| - [] | Philippine American Bar Association |

- Italian American Bar Association
- Black Women Lawyers Association of Los Angeles
- South Bay Bar Association
- Asian Pacific American Women Lawyers Association
- Latina Lawyers Bar Association
- A Window Between Worlds
- Advocates for Child Empowerment and Safety
- Asian Americans for Community Involvement
- Asian Women's Shelter
- Boucher LLP
- California Advocates for Nursing Home Reform
- California Defense Counsel
- California Judges Association
- California Partnership to End Domestic Violence
- California Protective Parents Association
- · California Women's Law Center
- Central California Family Crisis Center, Inc.
- Centro Legal de la Raza
- · Disability Rights California

As recently as October 10, 2024, the Court received a letter from Bay Area Legal Aid and Family Violence Appellate Project urging the Court to use ER to create a verbatim record if the Court cannot provide a free court reporter for indigent litigants.⁶

- 21. In 2023, California State Senator Susan Rubio introduced SB 662 which, if enacted, would have expanded the use of ER from limited civil, misdemeanor and infraction matters to other proceedings for the purpose of creating a verbatim record if and when a courtemployed court reporter was unavailable.⁷ But on January 18, 2024, the California Legislature failed to advance SB 662.⁸
- 22. On March 5, 2024, the California Legislative Analyst's Office produced a 23-page report to Senator Thomas Umberg, Chair of the Senate Judiciary Committee, examining "the current and future availability of court reporters in the trial courts." Among the LAO's

⁶ See Exhibit 6, which is a true and correct copy of the letter received from Bay Area Legal Aid and Family Violence Appellate Project dated October 10, 2024.

⁷ See Exhibit 7, text of SB 662.

⁸ See Exhibit 8, a news article dated January 19, 2024, entitled "Bill to Allow Electronic Recording in Civil Cases Dies in California Legislature." I reviewed this article and caused a true and correct copy of it to be created as an exhibit on or around the date of this declaration.

conclusions are: "records of court proceedings are important for Due Process"; the number of licensed court reporters has steadily declined since at least 2009; "many existing court reporters could be approaching retirement"; the "actual number of court reporters [is] less than [the] need identified by the Judicial Branch"; in a survey of trial courts, "nearly all trial courts... reported a marked increase in the number of court reporter FTE vacancies they are experiencing"; "departures [are] not offset despite increased hiring"; court reporter licensees have a "perception of higher compensation in [the] private sector" and a "perception of better working conditions in [the] private sector"; that 37% of the full-time equivalent court reporter positions needed statewide where electronic recording is not authorized, as estimated by the Judicial Branch, is not filled; and that "the Legislature will need to decide what methods of making an official record should be permissible. This includes whether a record can be made by electronic recording..."9

23. The California Legislature entered its final recess before adjournment on August 31, 2024, without passing a bill that would permit the use of ER to capture the verbatim record when a court reporter is not available.¹⁰ The consequence of this inaction is that there is no legislative solution to address this crisis for the foreseeable future.

CONFRONTING THE CONSTITUTIONAL CRISIS

24. Each day, the judicial officers and court staff of SCCSC strive to meet the goals of the Court's mission statement: The Superior Court in Santa Clara County serves the public by providing equal justice for all in a fair, accessible, effective, efficient, and courteous manner: by resolving disputes under the law; by applying the law consistently, impartially and independently; and by instilling public trust and confidence in the Court. Our judicial officers' commitment to equal access to justice is encompassed within the sacred oaths each has taken to support and defend the Constitutions of the United States of America and the State of California. I have an obligation to provide resources to permit judges in the Court to carry out

⁹ See Exhibit 9, California Legislative Analyst's Office Report to Senator Thomas J. Umberg regarding the current and future availability of court reporters, dated March 5, 2024.

¹⁰ Pursuant to Rule 51(b)(3) of the Joint Rules of the Senate and Assembly for the 2023-24 Regular Session, "[t]he Legislature shall be in recess on September 1 until adjournment *sine die* on November 30." (Joint Rules, Rule 51(b)(3), Senate Concurrent Resolution No. 1 (2023-34 Reg. Sess.).)

their constitutional obligations; however, I am unable provide court reporters to ensure that a verbatim record is captured in all court proceedings. Our judicial officers and I recognize that the Court's inability to assign court reporters and use ER due to the limitations of section 69957 represent a profound denial of equal access to justice.

25. While approximately 57,000 – 70,000 hearings per year in our Court are now conducted with no verbatim record of proceedings, section 69957 currently permits ER in proceedings to create a verbatim record in infraction, criminal misdemeanors and limited civil proceedings. SCCSC successfully used transcripts derived from ER as the appellate record in 112 proceedings in 2023 in the Court's Appellate Division. Based on the number of appeals successfully handled by the Court's Appellate Division and the experience of SCCSC in utilizing ER for that purpose, it is my opinion that ER-created transcripts allow for appellate review of a verbatim record.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed this 14th day of November 2024, at San Jose, California.

REBECCA J. FLEMING Chief Executive Officer

Clerk of Court

Exhibit 1

FOR IMMEDIATE RELEASE

November 2, 2022



SUPERIOR COURTS OF CALIFORNIA

THERE IS A COURT REPORTER SHORTAGE CRISIS IN CALIFORNIA

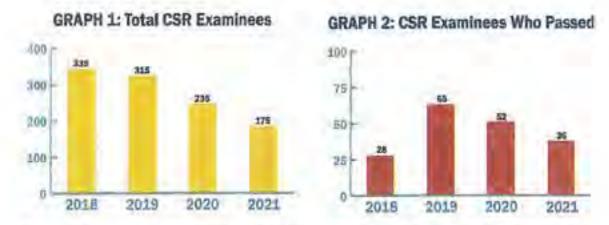
Each day across California, tens of thousands of court hearings are held. Lawyers argue, witnesses testify, litigants tell their stories and judges make decisions. What many people do not appreciate is the crucial role played by a court reporter: creating and preserving a verbatim record of those exchanges. As a chronic shortage of court reporters reaches crisis levels, the statutory framework for court reporting must adjust to the new realities of the reporting profession.

THE PROBLEM: There is a court reporter shortage in California – and across the nation – that has been long developing.

- In 2005, the Judicial Council warned that, "since the early 1990's, California's
 courts have experienced a steady decline in the number of available qualified
 shorthand reporters. [...] Additionally, the reduction of court reporting
 schools and curriculums in California over recent years complicates the
 courts' ability to attract sufficient numbers of well-trained reporters. [2005,
 Reporting of the Record Task Force, Final Report, p. 6.]
- Nationally, a 2013 study by the National Court Reporters Association projected that "Decreased enrollment and graduation rates for court reporters, combined with significant retirement rates, will create by 2018 a critical shortfall projected to represent nearly 5,500 court reporting positions." [Ducker Worldwide, 2013-2014: Court Reporting Industry Outlook Report, Executive Summary, p. 5.]
- In 2017, the Chief Justice's Futures Commission Final Report warned, "National data show the number of skilled court reporters is decreasing. Certified court reporting schools have experienced smaller enrollment and graduation rates, which are declining by an annual average of 7.3 percent[...]" [Report to the Chief Justice: Commission on the Future of California's Court System, p. 240.]
- In 2018, the Judicial Council wrote to the Legislature that, "the state would [...] have a gap of approximately 2,750 court reporters by 2023 if forecasted

demand remains constant." [March 29, 2018, letter from the Judicial Council to Hon. Lorena Gonzalez-Fletcher, Chair Assembly Appropriations Committee, re: Assembly Bill 2354.]

Today in California, only nine Certified Shorthand Reporter programs remain. In 2021, only 175 examinees took the licensing exam – and only 36 passed.



The result is a crisis in court reporter availability that has been developing for years.

THE SHORTAGE OF COURT REPORTERS IMPACTS LITIGANTS ACROSS CALIFORNIA:

In accordance with Penal Code § 190.9 and § 869, Code of Civil Procedure § 269 and Welfare and Institution Code § 347 and § 677, California courts must provide court reporters in felony criminal and dependency and delinquency juvenile courtrooms. Court reporters are not statutorily required to be provided by the courts in civil, family law, probate, misdemeanor criminal and traffic courtrooms.

And yet, many California courts do not have enough court reporters to cover mandated criminal felony matters – let alone the wide range of areas in which litigants need a record of court proceedings.

Over 50% of the California courts have reported that they are unable to routinely cover non-mandated case types including civil, family law and probate.

FUNDING IS NOT THE SOLUTION: There is no one to hire.

The Legislature provides \$30 million annually to the California courts to hire additional court reporters, with a focus on family law and civil courtrooms. However, because of the decline in court reporters, the crisis continues.

COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page 3 of 6

Today 71 percent of the state's 58 trial courts are actively recruiting for court reporters: Alameda; Butte; Contra Costa; Del Norte; El Dorado; Fresno; Humboldt; Imperial; Kern; Lake; Los Angeles; Madera; Marin; Merced; Monterey; Nevada; Orange; Placer; Riverside; Sacramento; San Benito; San Bernardino; San Diego; San Francisco, San Joaquin; San Luis Obispo; San Mateo; Santa Barbara; Santa Clara; Santa Cruz; Shasta; Siskiyou; Solano; Sonoma; Stanislaus; Tehama; Tulare; Tuolumne; Ventura; Yolo; and Yuba.

THE CURRENT STATUTORY FRAMEWORK INHIBITS CREATIVE RESPONSES TO THE SHORTAGE OF COURT REPORTERS:

With the exception of limited civil, misdemeanor and Infraction cases, Government Code § 69957 prohibits the courts from providing electronic recording in civil, family law and probate courtrooms.

Government Code § 69959 and Code of Civil Procedure § 367.75(d)(2)(A) mandate court reporters to be present in the courtrooms – rather than taking advantage of emerging technologies that would allow the court to provide this service remotely to multiple courtrooms throughout the county, providing more services with existing resources while making the profession more attractive to young, potential court reporters.

Government Code § 69942 requires all court reporters who work in a court to be certified in California which restricts courts from hiring out-of-state independent firms to provide this service.

CONCLUSION: More funding is not the solution.

We stand with our court reporters in recognizing and appreciating their value and service to the California judicial branch but we must acknowledge that we are facing a California – and national – court reporter shortage.

This shortage will not be solved by increased funding. Without changes to the current statutory framework for court reporting, all courts will face the inevitable day, already seen by a few California courts, of not having enough court reporters to cover the mandated felony criminal and juvenile dependency and delinquency cases.

Every litigant in California should have access to the record. Ideally, this would be provided by a court reporter but when none are available, other options need to be available to the courts. We are ready, able and willing to work with all stakeholders on finding ways to ensure that all litigants who need a record have access to one.

COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page 4 of 6

ADDITIONAL RESOURCES:

 U.S. Legal Support, Understanding the National Court Reporter Shortage and What it Means for Your Firm, [https://www.uslegalsupport.com/courtreporting/understanding-the-national-court-reporter-shortage-and-what-itmeans-for-your-firm/]

Ducker Worldwide, Court Reporting Industry Outlook Report (2013 - 2014)
 [https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14 ncra +industry outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2 0]

 Commission on the Future of California's Court System, Report to the Chief Justice, 2017, [https://www.courts.ca.gov/documents/futures-commission-

final-report.pdf]

 California Trial Court Consortium, The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond, 2022, [https://www.siskiyou.courts.ca.gov/system/files?file=court-reportershortage-1-2022.pdf]

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CEO Chad Finke Alameda County Superior Court

CEO Ann Greth Alpine County Superior Court

CEO Sharif Elmallah Butte County Superior Court

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CEO Kate Bieker Contra Costa County Superior Court

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CEO Neal Taniguchi San Mateo County Superior Court

CEO Darrel Parker Santa Barbara County Superior Court

CEO Rebecca Fleming Santa Clara County Superior Court

CEO Alex Calvo Santa Cruz County Superior Court

CEO Melissa Fowler-Bradley Shasta County Superior Court

CEO Ann Mendez Sierra County Superior Court

CEO Reneé McCanna Crane Siskiyou County Superior Court

CEO Brian K. Taylor Solano County Superior Court

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CEO Hector Gonzalez, Jr. Tuolumne County Superior Court COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page 6 of 6

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CEO David H. Yamasaki Orange County Superior Court CEO Brenda L. McCormick Ventura County Superior Court

CEO Shawn Landry Yolo County Superior Court

CEO Heather Pugh Yuba County Superior Court

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



Background

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits.\(^1\)
The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required\(^2\) and electronic recording is not authorized.\(^3\) Parties may arrange for the services of a court reporter in other case types.\(^4\) However, a declining number of court reporters threatens access to justice for court users, especially Californians who can't afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements, it is estimated that California courts may need up to an additional 650 full-time court reporters. In addition to court reporters employed by the courts, courts also contract with pro-tempore? reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-Licensed court reporters residing in the state as of July 1, 2023." However, according to the California Department of Consumer Affairs, between FY 2013-14 and FY 2021-22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%. Potential indicators that the decline will continue include:

Challenging pathway to licensure: Thirty-five new licenses were issued statewide in 2021–22.^{11,12} Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers.¹³

[&]quot;Jameson v. Desta (2018) 5 Cal. 5th 554, 622.

^{*} Felony and Juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction processings when a counterparter is unavailable (Gov. Code, 5 89957(a)).

Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

^{*} Covering all case types where a court reporter is required or electronic recording is not authorized.

[&]quot;"Need" is calculated by applying the Resource Assessment Study estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, www.courts.co.you/29305 htm.

Refers to an individual who is retained by the court on an intermittent or contractual basis.

Court Reporter Recruitment, Retention, and Attration dashboard, www.courts.ca.gov/16325.htm.

^{*}Court Reporters Board: December 13, 2023, Board Meeting Packet, whole countries the product of countries and a countries of the countries of

^{*}Department of Consumer Affairs date portal, www.dca.ca.roy/data/annual liganese stats after-

[&]quot;Third

Only wight court reporting programs recognized by the state remain open (down from 17 schools in 2010), www.courtemphoud.co.gov/ponicerbs/school.ento.a/pml. However, students may also qualify for California's Certified Shorthand 0504 or example by obtaining national certification demonstrating proficiency in machine shurthand reporting or voice writing.

Open Reporters Board, School Examination Statistics, year, countreportersboard, or gov/sop/countreporters board.

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024

Court reporters likely nearing retirement: The National Court Reporters Association reported the average
age of its court reporter members to be approximately 55 as of December 31, 2022. In California,
approximately 44,9% of all active licenses were issued at least 30 years ago.

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940.10 This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average. Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%. In FY 2022–23, California courts spent \$22.6 million on transcripts.

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more. For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter. The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection. California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.

¹⁴ National Court Reporters Association, provinces any house should not NORA-Streeting

[&]quot;Department of Consumer Affairs, Licensee List (as of Nov. 2023), while conce contours unanature relativistic substitute white:

[&]quot;Median value of estimated balary and benefit costs statewide by the filled court reporter FTEs.

[&]quot;Data provided by a survey of 48 private consumer attorneys. It is an known how much of the court reporter rate charged by companies is browkled to.
The reporter in the form of companies and how much is kept by the company.

^{*}Sen 201 176 (State 2021, ch. 240)

^{1 2022-23} Schedule 7A total court statewise transcript expenditures, excluding Electronic Recording.

Court Reporter Regulament, Retention, and Attrition deshipperd, advisorable as equificate him.

[&]quot;Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types or in organization. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings for view versal, that case type thats was removed from the data set.

Marrieson, supra, 5 Cal,5th at 608, fn. 1

[&]quot;In re Armstrong (1981) 128 Cal App.3d 555; March # Municipal Court (1972) 7 Cal 3d 422.

[&]quot; Priorité v. James (1981) 125 Cal. App.36 298; People v. Aprilmagui (1978) 82 Cal. App. 3d 970; sam Fac. Code, 8 1181(9).

Exhibit 2

From: Pam McGee

Sent: Thursday, February 8, 2018 12:13 PM

To: Georgeann Wiles; Gina Duarte; Karen L. Gagnon; Aura Clendenen

Cc: Ivory Rachal; Renee A. Hughes; Sulakshna Chauhan
Subject: RE: Official Court Reporter Positions Now Open!

Hi, Georeann.

Thank you for sending us the view of our Court Reporter job posting as it appears on the CA Official Court Reporters Association web site; it looks fantastic!

We have been working with the Association continuously to request the posting of our Court Reporter opportunities.

Best of the day,

Pam

From: Renee A. Hughes

Sent: Thursday, February 08, 2018 11:10 AM

To: Sulakshna Chauhan <schauhan@scscourt.org>; Pam McGee <PMcGee@scscourt.org>

Cc: Ivory Rachal <IRachal@scscourt.org>

Subject: FW: Official Court Reporter Positions Now Open!

See below.

Thank you,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

From: Georgeann Wiles

Sent: Thursday, February 08, 2018 11:08 AM

To: Gina Duarte < GDuarte@scscourt.org>; Karen L. Gagnon < KGagnon@scscourt.org>; Renee A. Hughes

<RHughes@scscourt.org>

Cc: Aura Clendenen < AClendenen@scscourt.org>

Subject: FW: Official Court Reporter Positions Now Open!

I wanted to share this with you ladies. The California Official Court Reporters Association sent this email out to get the word out that we are hiring.

Georgeann M. Wiles, CSR, RPR Lead Court Reporter Superior Court of California, County of Santa Clara Court Reporter to the Honorable Socrates P. Manoukian 191 N. First Street Department 41 San Jose, CA 95113 408-808-7235



From: COCRA [mailto:gloria@cocra.ccsend.com] On Behalf Of COCRA

Sent: Saturday, February 03, 2018 1:04 PM
To: Georgeann Wiles < GWiles@scscourt.org>

Subject: Official Court Reporter Positions Now Open!

×

Superior Court Positions Open for Official Court Reporters

Alameda County Superior Court

Salary: \$85,841.60 - \$104,208.00 Annually

Application Period Ending: 2/23/2018 5:00 PM Pacific

Please click here for more info and application process.

Job Description

The Superior Court of California, County of Alameda is accepting applications for the positions of both Court Reporter & Court Reporter, Per Diem. Under direction, Court Reporters & Court Reporters, Per Diem stenotypes a verbatim record of court proceedings; to read notes as requested; to prepare transcripts; and to perform other related duties as assigned.

Benefits:

- Retirement: Participation in the Alameda County Employees' Retirement Association (ACERA), a 1937 Act Retirement Plan.
- Deferred Compensation Plan: Employees may contribute annually to a 457 Deferred Compensation Plan.
- Medical/Dental: Effective January 1, 2010, all employees will be responsible for a portion of the health and dental premiums.
- Life Insurance: A term life insurance policy of \$15,000 with the option of purchasing additional supplemental insurance.
- Educational Stipend: The Court provides 100% reimbursement of the expense for job-related educational courses up to a maximum of \$650.
- Vacation: 10 days annually for the first 4 years of service, 15 days after 4 years, and up to 25 days after 20 years.
- Holidays: 13 paid holidays and 3 floating holidays (first year hired before July 1)
- Sick Leave: Accrual of 13 days per year.

Note: Benefits premiums for part-time status are pro-rated by the number of hours regularly worked.

Los Angeles County Superior Court

POSITION TITLE: COURT REPORTER (Full-time, Part-time 3/5, Daily as needed)

SALARY: Full-time: \$7,133.27 - \$8,393.82 Monthly

Part-time 3/5: \$4,279.96 - \$5,036.29 Monthly

Daily as needed: \$365.57 Daily

OPENING DATE: 08/16/2017

CLOSING DATE: Continuous

Please click here for more info and application process.

Job Description

Los Angeles Superior Court is seeking dynamic, well-qualified, and highlymotivated Court Reporters to fill full-time, part-time 3/5 (3 days per week), and daily as needed positions. Become part of the Los Angeles Superior Court, where you can give back to your community by working for justice and fairness. Individuals interested in becoming part of a well-skilled, knowledgeable, high performance workforce that rewards performance and creativity should apply.

San Mateo Superior Court

Salary:

\$40.68 - \$50.70 Hourly \$3,254.40 - \$4,056.00 Biweekly \$7,051.20 - \$8,788.00 Monthly \$84,614.40 - \$105,456.00 Annually

The current vacancies are for two full-time Official Court Reporter positions.

Application Period Ending: 02/14/201

Certification and/or experience with real time is highly desired. The Court offers differential pay of 10% for employees with real time certification or 5% for real time court certification.

Click here for more info and application process.

Job Description:

The Superior Court of California, County of San Mateo, is seeking qualified Court Reporters. The current vacancies are for **two full-time** Official Court Reporter positions.

Under general supervision, Court Reporters stenotype a verbatim record of courtroom proceedings and provide general support to the assigned judge related to the official record. Court Reporters are expected to be available to work in any Court department, including but not limited to, arraignment calendars, family law, civil and criminal trials, law and motion, juvenile, and preliminary hearings, in any of the Court's three locations throughout San Mateo County.

The **ideal candidate** for the Court Reporter position has experience transcribing a full range of courtroom proceedings and is familiar with real time reporting. Additionally, the ideal candidate has excellent written and verbal communication skills.

Santa Clara Superior Court

Salary:

\$36.34 - \$48.70 Hourly \$2,907.20 - \$3,895.76 Biweekly \$6,298.93 - \$8,440.81 Monthly \$75,587.20 - \$101,289.76 Annually

Click here for more info and application process.

Job Description:

Under direction, this specialized classification steno graphically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, day off on your birthday and sick leave.

Our Court offered Health insurance plan is offered through Kaiser, HealthNet and Valley Health Plan. Certain coverage fully paid by Court for employee and dependents.

Click Here to Renew Your Membership!

Renew Your COCRA Membership for 2018!

Your COCRA Dues Help Us to Promote, Protect, and Preserve Our Profession!

Your membership dues are an investment in COCRA and is a clear sign that you believe in our mission, leadership, and presence in the California official court

reporting community. By renewing with us, you show your commitment to the future of official court reporting and demonstrate your concern for our profession.

Your membership dues helps COCRA to do the following:

- Networking with counties and unions throughout the state to keep abreast of local issues affecting officials
- Creation of seminars with topics that educate officials and address the concerns and needs of officials
- Outreach to COCRA Members through the use of email and social networking sites like Facebook and Twitter
- Maintenance of COCRA's website with information pertinent to officials
- Timely news and commentary postings to our COCRA Facebook page, Twitter feed, and blog
- Monitor legislation that might have an impact on officials and the reporting profession
- Educate legislators, executive and judicial decision-makers

As you can see, COCRA does important work on behalf of official court reporters, We know we can't achieve anything without your financial support. We here at COCRA recognize the difficult times that we live in and that every dollar counts. So we truly appreciate your support and belief in us.

We appreciate your support of the California Official Court Reporters Association.



California Official Court Reporters Association PO Box 186 Big Bear City, CA 92314-0186 Phone: 415-470-2215 E-Mail: contact@cocra.org



COCRA, PO Box 186, Big Bear City, CA 92314

SafeUnsubscribe™ gwiles@scscourt.org



SUPERIOR COURT, COUNTY OF SANTA CLARA invites applications for the position of:

Certified Court Reporter

SALARY: \$36.34 - \$48.70 Hourly

\$2,907.20 - \$3,895.76 Biweekly \$6,298.93 - \$8,440.81 Monthly \$75,587.20 - \$101,289.76 Annually

OPENING DATE: 01/12/18

CLOSING DATE: Continuous

DEFINITION/DESCRIPTION:

Under direction, this specialized classification steno graphically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, day off on your birthday and sick leave.

Our Court offered Health insurance plan is offered through Kaiser, HealthNet and Valley Health Plan. Certain coverage fully paid by Court for employee and dependents.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- · Provides immediate read back of all or portions of the record upon request;
- · Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- · Maintains a variety of paper and electronic files;
- · Performs other related duties as required.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters
Board is required. Realtime reporting is highly desirable. In order to receive the differential,
Incumbents must be realtime-certified by either the National Court Reporters Association, or the
Deposition Reporters Association, or have successfully passed a realtime test administered by

the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97,5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- · Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- . Read back court proceedings in a clear concise manner in a courtroom or other setting:
- Physical Demands:
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting:
- Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.
- Please note: The Superior Court is establishing an eligibility list from this recruitment which may be used to fill both temporary and permanent vacancies. Please mark your interest clearly on your employment application as to your desire for temporary or

permanent employment or both.

Application Requirements:

- . This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- · An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The Court provides reasonable accommodations for applicants with disabilities. If you are disabled as defined by the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act and will be requesting an accommodation, please contact Sulakshna Chauhan at schauhan@scscourt.org or (408) 882-2700, to discuss your request. TDD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 Immigration Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at 408-882-2747.

APPLICATIONS MAY BE FILED UNLINE AT: http://www.scscouct.org

Position #17/1800150 CERTIFIED COURT REPORTER

191 N. First Street San Jose, CA 95113 408-882-2700 40H-882-2747

interestourt.org

From:

Pam McGee

Sent:

Tuesday, June 19, 2018 1:45 PM

To:

Renee A. Hughes

Subject:

FW: Request to Post Job Opportunity

Attachments:

Court Reporter Job Bulletin- Continuous.pdf

From: Pam McGee

Sent: Friday, January 12, 2018 3:31 PM

To: 'sfinch@goldenstatecourtreporting.com' <sfinch@goldenstatecourtreporting.com>

Subject: Request to Post Job Opportunity

Dear Sandy.

Would you please post the attached Court Reporter job opportunity at your school?

Let me know if you have any questions.

Thank you.

Pam

Pam Q. McGee
Sr. Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Tel: 408-882-2712 Fax: 408-882-2796
PMcGee@scscourt.org

From:

Pam McGee

Sent:

Tuesday, June 19, 2018 1:46 PM

To:

Renee A. Hughes

Subject:

FW: Request to Post Job Bulletin

Attachments:

Court Reporter Job Bulletin- Continuous.pdf

From: Pam McGee

Sent: Friday, January 12, 2018 3:35 PM

To: 'lvbrown@humphreys.edu' <lvbrown@humphreys.edu>

Subject: Request to Post Job Bulletin

Hi, Linda.

Would you please post the attached Court Reporter job opportunity at your school?

Let me know if you have any questions.

Thank you.

Pam

Pam Q. McGee
Sr. Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Tel: 408-882-2712 Fax: 408-882-2796
PMcGee@scscourt.org

From: Pam McGee

Sent: Tuesday, June 19, 2018 1:47 PM

To: Renee A. Hughes

Subject: FW: Request to Post Job Bulletin

Attachments: Court Reporter Job Bulletin- Continuous.pdf

From: Pam McGee

Sent: Friday, January 12, 2018 3:25 PM

To: 'sstubbs@marin.edu' <sstubbs@marin.edu>

Subject: Request to Post Job Bulletin

Hi, Stephanie.

Would you please post the attached Court Reporter job opportunity at your school?

Let me know if you have any questions.

Thank you.

Pam.

Pam Q. McGee Sr. Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Tel: 408-882-2712 Fax: 408-882-2796

PMcGee@scscourt.org

From:

Renee A. Hughes

Sent:

Tuesday, June 26, 2018 2:51 PM

To: Subject: 'adsupport@ncra.org' Certified Court Reporter

Good Afternoon,

Attached is the job description for the Certified Court Reporter position at Superior Court of CA, County of Santa Clara and the Classified Advertising Contract. Can you please provide instructions on how to get the position posted?

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,





Certified Court

Classified Reporter.pdf Advertising Con...

Thank you,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

From: Maggie Ortiz <Maggie.Ortiz@westvalley.edu>

Sent: Tuesday, June 26, 2018 6:56 PM

To: Renee A. Hughes

Subject: RE: Request to Post Job Opportunity - Certified Court Reporter

Hi, Renee.

Yes, I will be happy to post the position information that you attached to your email and will forward it to our program advisory committee as well.

Best regards,

Maggie

Margaret Ortiz
Instructor and Program Contact
Court Reporting and Related Technologies
Professional Studies Division
West Valley College
14000 Fruitvale Avenue
Saratoga, CA 95070
(408) 741-2559 office
(408) 318-4158 cell
margaret.ortiz@wvm.edu

From: Renee A. Hughes [RHughes@scscourt.org]

Sent: Tuesday, June 26, 2018 2:11 PM

Subject: Request to Post Job Opportunity - Certified Court Reporter

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

Renee A. Hughes

From: Stephanie F Stubbs <sstubbs@marin.edu>

Sent: Tuesday, June 26, 2018 7:38 PM

To: Renee A. Hughes

Subject: Re: Request to Post Job Opportunity - Certified Court Reporter

Will do!!

Stephanie Stubbs

Court Reporting Department College of Marin sstubbs@marin.edu

Tel: 415-457-8812 ext. 8226

On Jun 26, 2018, at 2:12 PM, Renee A. Hughes < RHughes@scscourt.org > wrote:

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Rence A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

<Certified Court Reporter.pdf>

Renee A. Hughes

From: Katherine McNally <katherine.mcnally@bryanuniversity.edu>

Sent: Tuesday, June 26, 2018 3:31 PM

To: Renee A. Hughes

Subject: Re: Request to Post Job Opportunity - Certified Court Reporter

Yes, I will be happy to repost it again. Thank you for sending the update.

"I am a great believer in luck, and I find the harder I work, the more I have of it." Thomas Jefferson

"In order to reach success, you have to go through steps of failure. And that's a part of success and you have to embody it. You have to grow from it and don't let it defeat you. Ken Laurence

"I hated every minute of training, but I said, "Don't guit. Suffer now and live the rest of your life as a champion." Muhammad Ali

"Talent is a pursued interest. Anything that you're willing to practice, you can do." Bob Ross

"Success is the sum of small efforts, repeated day-in and day-out."

Robert Collier

Katherine McNally

Stenography Program Director

PH: (520) 428-4957

katherine.mcnallv@bryanuniversity.edu

www.bryanuniversity.edu

ZOOM LINK: https://bryanuniversity.zoom.us/j/8893805

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you have received this communication in error, please notify us immediately by responding to this email and then deleting it from your system.

On Tue, Jun 26, 2018 at 2:11 PM, Renee A. Hughes < RHughes@scscourt.org > wrote: Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: sfinch@goldenstatecourtreporting.com
Sent: Wednesday, June 27, 2018 7:48 AM

To: Renee A. Hughes

Subject: RE: Request to Post Job Opportunity - Certified Court Reporter

Dear Renee,

It is with deep regret that I must report that Golden State College of Court Reporting closed on March 9, 2018.

I wish you the very best in trying to fill your positions.

Sandy Finch

----- Original Message ------

Subject: Request to Post Job Opportunity - Certified Court Reporter

From: "Renee A. Hughes" <RHughes@scscourt.org>

Date: Tue, June 26, 2018 2:11 pm

To:

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

From: Sent: Debra Julius <cocra.org@verizon.net> Wednesday, June 27, 2018 8:30 AM

To:

Renee A. Hughes

Subject:

RE: Request to Post Job Opportunity - Certified Court Reporter

Hi Renee',

I forwarded this on to our web person and he'll have it done soon.

Debra Julius
Executive Director
California Official Court Reporters Association
601 Van Ness Ave, Suite E754
San Francisco, CA 94102
415-470-2215
COCRA.org@verizon.net

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Tuesday, June 26, 2018 3:11 PM

Subject: Request to Post Job Opportunity - Certified Court Reporter

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Gordon <gaiavao@yahoo.com>
Sent: Thursday, June 28, 2018 6:34 PM

To: Renee A. Hughes

Subject: Re: RE: FW: Request to Post Job Opportunity - Certified Court Reporter

Dear Ms. Hughes,

I see that that language was in the original post here, but was not in the language in the employment section. I've now added that language under the employment page.

And thank you for the clarification regarding the realtime differential.

Please let us know if there's anything else we can do to assist Santa Clara find perfect candidates to apply as official reporters in your court.

Thanks,

Gordon

On Wednesday, June 27, 2018, 1:39:37 PM PDT, Renee A. Hughes <RHughes@scscourt.org> wrote:

Hi Gordon,

Thank you for your email. The information that was added is as follows (on the first page):

*The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, day off on your birthday and sick leave.

Our Court offered Health insurance plan is offered through Kaiser, HealthNet and Valley Health Plan. Certain coverage fully paid by Court for employee and dependents.

Regarding the mention of realtime differential, it is listed under Employment Standards.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Thank you,

Reneé A. Hughes

Human Resources Analyst Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Gordon [mailto:gaiavao@yahoo.com]
Sent: Wednesday, June 27, 2018 10:45 AM
To: Renee A. Hughes <RHughes@scscourt.org>

Subject: Fw: FW: Request to Post Job Opportunity - Certified Court Reporter

Hi Ms. Huges,

I'm emailing in regards to the changes you said had been made to the job announcement. Could you please refer me to the specific changes to see if I need to remove language from the job posting on our website?

Also, I noticed that both in the attachment and the court's website that there was no mention of a realtime differential. I think this is a rather important piece of info for applicants. Can you update me on the current state of the realtime differential and whether I need to remove or change that portion of the language in the job posting we already have up.

Thanks,

Gordon F Aiavao COCRA Board Member

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Tuesday, June 26, 2018 3:11 PM

Subject: Request to Post Job Opportunity - Certified Court Reporter

Good Afternoon.

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position. I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes

Human Resources Analyst Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Sent: ecomsystem@monster.com Thursday, July 12, 2018 8:42 AM

To:

Renee A. Hughes

Subject:

Monster Receipt - Order # 4676002

To presure delivery of this email please add econorystemomonstar.com to your Address Book or Safe List.



Welcome Renee Hughes,

Thank you for ordering from Monster for Employers.

Your order will be available within one hour.

Once your order has been approved, you can access your <u>Monster for Employers</u> account. Your account offers access to all Monster's hiring tools, <u>training resources</u> and personalized information that will help you find and hire the right candidates.

Your Username: hj503231#524886

Job Posting Detail

Job ID(s): 198031122

Date Posted: 7/12/2018

Job Title: Certified Court Reporter

Date Expired: 8/11/2018

Your Order

| Quantity | Product | Price |
|----------|---|----------|
| 1 | 30-day Enhanced Job Ad US-California-Silicon Valley/San Jose - Other | \$339,00 |
| | Subtotal | \$339,00 |
| | Order Total: | e220.00 |

Payment Method; MasterCard Order Number: 4676002

Account Information

Renee Hughes
Superior Court of Ca, County of Santa Clar
191 North First Street
San Jose, California 95136 US
rhughes@scscourt.org
4088822710
4088822796

Billing Information ***

Renee Hughes
Superior Court of CA, County of Santa Clara
191 N 1ST ST STE A
SAN JOSE, California 95113-1006 US
rhughes@scscourt.org
4088822710

If you have questions, please contact Monster. Global Customer Service Representatives are available to assist you during the following hours:

Monday - Friday: 8:30AM-5:30PM EST

Thank you,

Monster Global Customer Service

If you doubt the authenticity of a Monster email, please visit the Monster site directly using your Web browser. From there, you can log in to your account to verify and perform the requested activity.

To learn more, visit Monster's Security Center.

Monster's Terms of Use | Privacy Statement Monster, 133 Boston Post Road, Weston, MA 02493.

Please do not reply to this email.

Certified Court Reporter at SUPERIOR COURT OF CA SANTA CLARA COUNTY San Jose, CA 95113

About the Job

Employment Standards/Typical Qualifications:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- · Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- · English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- · Establish and maintain working relationships with judges, court staff, attorneys, and the public:
- · Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

Close

Certified Court Reporter job at SUPERIOR COURT OF CA SANTA CLARA COUNT... Page 2 of 2

Job summary

Location

San Jose, CA 95113

Job type

Employee, Full Time

Posted

Today

Industries

Internet Services

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From: Helen Enriquez <Helen_Enriquez@dailyjournal.com>

Sent: Tuesday, July 17, 2018 9:12 AM

To: Renee A. Hughes

Subject: RE: Your advertising order

Attachments: ad 5309.pdf

Hi Renee, I have attached a proof of your ad.

The ad as shown will cost \$631.28 to run for 10 days in print under employment attorney/South Bay Peninsula area.

Our 10-day ad package includes a bonus publication in our Friday Career Spotlight and the option to extend the ad for 5 print days at no charge if you need more time to find the right candidate. Includes online at www.dailyjournal.com/jobs from first through last day of publication.

Our deadline is 2:30 pm. We will need your approval of the ad text before 2:30 to start your ad in tomorrow's paper.

No refund for early cancellation. Ads are priced per inch (minimum 1 inch). Publication days must be consecutive. All print ads also run online at no charge at www.dailyjournal.com

Helen Enriquez Classified Advertising

Daily Journal 915 E First St, Los Angeles, CA 90012 44 Montgomery St #500, San Francisco, CA 94104 213.229.5445 / 415.296.2444

----Original Message-----

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Tuesday, July 17, 2018 9:03 AM

To: Helen Enriquez <Helen_Enriquez@dailyjournal.com>

Subject: RE: Your advertising order

Hi Helen,

You recently posted the Court Commissioner position for Santa Clara Superior Court.

I'd like to request a quote for another position, Certified Court Reporter. Please see the information below.

SUPERIOR COURT OF CA,
COUNTY OF SANTA CLARA IS HIRING
invites applications for the position of:
Certified Court Reporter (bold)
TO APPLY PLEASE VISIT:
http://www.scscourt.org/jobs
Closing date: Continuous

Thank you,

Reneé A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

----Original Message-----

From: Helen Enriquez [mailto:Helen_Enriquez@dailyjournal.com]

Sent: Thursday, May 24, 2018 12:57 PM

To: Renee A. Hughes <RHughes@scscourt.org>

Subject: Your advertising order

Thank you for your order, I have attached a proof of your ad.

The ad as shown will cost \$463.05/5 fays or \$694.58 to run for 10 days in San Francisco Daily Journal under South Bay Peninsula area.

Our 10-day ad package includes a bonus publication in our Friday Career Spotlight and the option to extend the ad for 5 print days at no charge if you need more time to find the right candidate.

Both options include online at www.dailyjournal.com/jobs from first through last day of publication.

Our deadline is 2:30 pm. We will need your approval of the ad text and payment before 2:30 to start your ad in tomorrow's paper.

No refund for early cancellation. Ads are priced per inch (minimum 1 inch). Publication days must be consecutive. All print ads also run online at no charge at www.dailyjournal.com

Helen Enriquez Classified Advertising

Daily Journal 915 E First St, Los Angeles, CA 90012 44 Montgomery St #500, San Francisco, CA 94104 213.229.5445 / 415.296.2444

----Original Message-----

From: DJOnline

Sent: Thursday, May 24, 2018 12:47 PM

To: Classifieds < Classifieds@dailyjournal.com>

Subject: Post an Ad

From: Renee Hughes (rhughes@scscourt.org)

Comments:

SUPERIOR COURT OF CA, COUNTY OF

SANTA CLARA IS HIRING

invites applications for the position of: Court Commissioner TO APPLY PLEASE VISIT:

http://www.scscourt.org/jobs Closing date: 7/8/2018 11:59pm

Firm: Santa Clara Superior Court

Address: 191 N 1st Street

City:San Jose State: California

zip: 95113

Telephone: 4088822710

Fax:

Publication: San Francisco Daily Journal

blindbox:

Special Instructions:

From: Miller, Michele <MMiller@sfchronicle.com>

Sent: Tuesday, July 17, 2018 10:51 AM

To: Renee A. Hughes
Subject: ADM106412

Attachments: SCSuperior Court 106412.pdf

Hello Renee,

Attached, please find the ad proof for your review. Upon approval, this ad will run 2 Sundays and 1 Wednesday in print along with 30 days online at the following total rate:

Net: \$2,337.00 Classification: Legal

Keyword/Title: Certified Court Reporter

This ad is on hold pending approval and payment. We accept all major credit cards. When you are ready to place your ad, please let me know and I would be happy to help. DEADLINE for Sunday is 1pm on Friday.

From: Renee A. Hughes < RHughes@scscourt.org>

Sent: Tuesday, July 17, 2018 10:33 AM

To: Miller, Michele <MMiller@sfchronicle.com>

Subject: RE: contact information

Hi Michele,

Thank you for your email. Here's the ad.

SUPERIOR COURT OF CA,
COUNTY OF SANTA CLARA IS HIRING
invites applications for the position of:
Certified Court Reporter (bold)
TO APPLY PLEASE VISIT:
http://www.scscourt.org/jobs
Closing date: Continuous

Thank you,

Reneë A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

From: Miller, Michele [mailto:MMiller@sfchronicle.com]

Sent: Tuesday, July 17, 2018 10:08 AM

To: Renee A. Hughes <RHughes@scscourt.org>

Subject: contact information

Hello Renee,

Your inquiry has been forwarded to me. Below is my contact information, I will be happy to assist you. If you have your ad ready feel free to email it over to me and I would be happy to give you a quote.

From: Sent: Debra Julius <cocra.org@verizon.net> Wednesday, September 12, 2018 4:19 PM

To:

Renee A. Hughes

Subject:

RE: Request to Post Job Opportunity - Certified Court Reporter

Hi Renee,

I just sent it to our web person.

Debra Julius
Executive Director
California Official Court Reporters Association
601 Van Ness Ave, Suite E754
San Francisco, CA 94102
415-470-2215
COCRA.org@verizon.net

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Wednesday, September 12, 2018 3:00 PM

To: Debra Julius

Subject: RE: Request to Post Job Opportunity - Certified Court Reporter

Hi Debra,

We've made a few revisions to the salary for the Certified Court Reporter position. Would it be possible to repost the attached revised job announcement?

Thank you,

Reneë A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

From: Debra Julius [mailto:cocra.org@verizon.net]

Sent: Wednesday, June 27, 2018 8:30 AM To: Renee A. Hughes <RHughes@scscourt.org>

Subject: RE: Request to Post Job Opportunity - Certified Court Reporter

From:

Stephanie F Stubbs <sstubbs@marin.edu> Wednesday, September 12, 2018 2:48 PM

Sent: To:

Renee A. Hughes

Subject:

RE: Request to Post Job Opportunity - Certified Court Reporter

I've posted it!!!

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Wednesday, September 12, 2018 1:58 PM To: Stephanie F Stubbs <sstubbs@marin.edu>

Subject: RE: Request to Post Job Opportunity - Certified Court Reporter

Hi Stephanie,

We've made a few revisions to the salary for the Certified Court Reporter position. Would it be possible to repost the attached revised job announcement?

Thank you,

Reneé A. Hughes

Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Stephanie F Stubbs [mailto:sstubbs@marin.edu]

Sent: Tuesday, June 26, 2018 7:38 PM

To: Renee A. Hughes <RHughes@scscourt.org>

Subject: Re: Request to Post Job Opportunity - Certified Court Reporter

Will do!!

Stephanie Stubbs

Court Reporting Department College of Marin sstubbs@marin.edu

Tel: 415-457-8812 ext. 8226

On Jun 26, 2018, at 2:12 PM, Renee A. Hughes < RHughes@scscourt.org > wrote:

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

<Certified Court Reporter.pdf>

Certified Court Reporter SUPERIOR COURT OF CA SANTA CLARA COUNTY San Jose, CA 95113

()

()

Certified Court Reporter at SUPERIOR COURT OF CA SANTA CLARA COUNTY San Jose, CA 95113

Apply

Save

Email

Details

Highlights

Employment Standards/Typical Qualifications:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, or CCRR) shall receive a 20% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 10% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday and sick leave.

Close

Certified Court Reporter job at SUPERIOR COURT OF CA SANTA CLARA COUNTY | Morster.com
Our Court offers Health insurance plans currently through Kaiser, HealthNet
and Valley Health Plan. The Court <u>currently</u> fully pays for medical coverage for
employee and dependents when selecting Kaiser. In addition the Court fully
covers the premium for dental and vision insurance.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- · Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- · Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- · Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

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Sorayma PerezSalgado

From:

Jordan, Sylvia <sjordan@ncsc.org>

Sent:

Thursday, September 13, 2018 5:45 AM

To:

Renee A. Hughes

Subject:

RE: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Hello,

The position has been posted.

Sylvia Jordan | Human Resources Office

National Center for State Courts | 300 Newport Avenue | Williamsburg, VA 23185

t 757.259.7555 | f 757.259.1522 | sjordan@ncsc.org | www.ncsc.org

Please print responsibly

From: Renee A. Hughes <RHughes@scscourt.org> Sent: Wednesday, September 12, 2018 4:54 PM

To: Jordan, Sylvia <sjordan@ncsc.org>

Subject: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Good Afternoon,

On behalf of the Superior Court of California, County of Santa Clara, please repost and circulate the revised job

announcement for Certified Court Reporter.

Closing Date: Continuous

Thank you,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org



Outlook

Recruitment - Santa Clara Superior Court - Certified Court Reporter

From Renee A. Hughes <RHughes@scscourt.org> Date Wed 1/9/2019 9:31 AM

'Bector, Atul' <Atul.Bector@jud.ca.gov>; 'Grace, Sandra' <Sandra.Grace@jud.ca.gov>

1 attachment (104 KB)

Certified Court Reporter Job Spec.pdf;

Distributed on behalf of the Superior Court of California, County of Santa Clara: The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

 Certified Court Reporter The filing deadline: continuous Thank you, Renee A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796 Email: rhughes@scscourt.org

W13/3018 Job Mullelin



SUPERIOR COURT, COUNTY OF SANTA CLARA invites applications for the position of:

Certified Court Reporter

SALARY: \$43.33 - \$50.16 Hourly

\$3,466.40 - \$4,012.63 Biweekly \$7,510.53 - \$8,694.04 Monthly \$90,126.40 - \$104,328.45 Annually

OPENING DATE: 08/31/18

CLOSING DATE: Continuous

DEFINITION/DESCRIPTION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employer-paid deferred compensation.

Our Court offers Health Insurance plans currently through Kaiser, HealthNet and Valley Health Plan. The Court <u>currently</u> fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition the Court fully covers the premium for dental and vision insurance.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- Maintains a variety of paper and electronic files;
- Performs other related duties as required.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differentia 544 9/12/2018 Job Bulletin

incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- Office management principles, methods, and procedures;
- Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION: Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- Read back court proceedings in a clear concise manner in a courtroom or other setting;
- Physical Demands:
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting:
- Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.
- Please note: The Superior Court is establishing an eligibility list from this recruitment which
 may be used to fill both temporary and permanent vacancies. Please mark your interest clearly
 on your employment application as to your desire for temporary or permanent employment or
 both.

9/12/2018

Application Requirements:

- This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The Court provides reasonable accommodations for applicants with disabilities. If you are disabled as defined by the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act and will be requesting an accommodation, please contact Sulakshna Chauhan at schauhan@scscourt.org or (408) 882-2700, to discuss your request. TDD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 Immigration Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at 408-882-2747.

APPLICATIONS MAY BE FILED ONLINE AT: http://www.sescourt.pro

Superior Court of CA. County of Santa Clara, CA 95113

Position #18/1900AUG CERTIFIED COURT REPORTER

Certified Court Reporter Supplemental Questionnaire

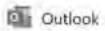
* 1. I understand that for my application to be considered, I must complete required supplemental questionnaires as part of the application screening and selection process. The information 1 provide will be reviewed and used to determine my eligibility to move forward in the selection process. Incomplete responses, false statements, omissions, or partial information may result in disqualification from the selection process.

1 Yes -J No

2. I understand that for my application to be considered, I must thoroughly complete the work experience and education portions of the application form, as well as provide a resume as an attachment, to demonstrate my qualifications for this job.

J Yes U No

* 3. Authorization and Release, I have applied for employment with the Superior Court of California, County of Santa Clara ("Court") and have provided information about my current and/or previous employment. I authorize the Court to investigate all statements made in my application for employment and to obtain any and all information concerning my former/current employment. This includes my job performance appraisals/evaluations, wage history, disciplinary action(s) if any, and all other matters pertaining to my employment history. I authorize my former and current employers and references to release contents of my employment record with their organizations and to provide any additional information that may be necessary for my application for employment with the Court, whether the information is positive or negative. I hereby release all such agencies and/or individuals who furnish such information, and the Court, from liability for damages, which may result from furnishing or receiving the information requested. 0546



Job Announcement- Certified Court Reporter (Santa Clara County Superior Court)

From Bector, Atul <Atul Bector@jud.ca.gov>

Date Wed 1/9/2019 9:45 AM

To JCC Trial Courts HR Contacts <TrialCourtsHRContacts@jud.ca.gov>

Cc Grace, Sandra <Sandra Grace@jud.ca.gov>; Renee A. Hughes <RHughes@scscourt.org>

I attachment (99 KB)

Certified Court Reporter Job Specipal

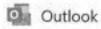
Distributed on behalf of the Santa Clara County Superior Court.

Good morning,

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter
The filing deadline: continuous
Thanks,
Atul Bector, Associate Human

Atul Bector, Associate Human Resources Analyst
Human Resources | Administrative Division
Judicial Council of California
455 Golden Gate Avenue, San Francisco CA 94102-3688
Ph (415) 865-7983 | atul-bector@jud.ca.gov | www.courts.ca.gov



Recruitment - Santa Clara Superior Court - Certified Court Reporter

From Renee A. Hughes <RHughes@scscourt.org>
Date Wed 1/9/2019 12:06 PM
To 'Jordan, Sylvia' <sjordan@ncsc.org>

1 attachment (104 KB) Certified Court Reporter Job Spec.pdf;

Good Afternoon,
Happy New Year!
On behalf of the Superior Court of California, County of Santa Clara, please repost and circulate the revised job announcement for Certified Court Reporter.
Closing Date: Continuous
Thank you,

Reneé A. Hughes
Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Phone: (408) 882-2710 Fax: (408) 882-2796
Email: rhughes@scscourt.org

From: Sent: Debra Julius <cocra.org@verizon.net> Wednesday, January 09, 2019 12:14 PM

To:

Renee A. Hughes

Subject:

RE: Request to Post Job Opportunity - Certified Court Reporter

Hi Renee,

Happy New Year to you too!!

Not a problem. I'll forward to our web person right now.

Debra Julius
Executive Director
California Official Court Reporters Association
601 Van Ness Ave, Suite E754
San Francisco, CA 94102
415-470-2215
COCRA.org@verizon.net

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Wednesday, January 9, 2019 1:11 PM

To: Debra Julius

Subject: Request to Post Job Opportunity - Certified Court Reporter

Hi Debra,

Happy New Year!

Would it be possible to repost the attached revised job announcement?

Thank you,

Renee A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Debra Julius [mailto:cocra.org@verizon.net]

Sent: Wednesday, June 27, 2018 8:30 AM
To: Renee A. Hughes < RHughes@scscourt.org>

Subject: RE: Request to Post Job Opportunity - Certified Court Reporter

Hi Renee',

I forwarded this on to our web person and he'll have it done soon.

Debra Julius
Executive Director
California Official Court Reporters Association
601 Van Ness Ave, Suite E754
San Francisco, CA 94102
415-470-2215
COCRA org@verizon.net

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Tuesday, June 26, 2018 3:11 PM

Subject: Request to Post Job Opportunity - Certified Court Reporter

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org





Request to Post Job Opportunity - Certified Court Reporter

From Renee A. Hughes <RHughes@scscourt.org>

Date Wed 1/9/2019 12:13 PM

To 'Gordon' <gaiavao@yahoo.com>

1 attachment (104 KB)

Certified Court Reporter Job Spec.pdf;

Hi Gordon.

Happy New Year!

Would it be possible to repost the attached revised job announcement?

Thank you,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@sescourt.org

From: Gordon [mailto:gaiavao@yahoo.com]

Sent: Wednesday, August 01, 2018 2:04 PM

To: Renee A. Hughes <RHughes@scscourt.org>

Subject: Re: RE: FW: Request to Post Job Opportunity - Certified Court Reporter

Hello.

I've reposted the ad with the realtime differential on Facebook and Twitter and our COCRA blog. I will be adding it to our employment page once we iron some technical issues with the page.

Thanks, Gordon

On Wednesday, August 1, 2018, 12:36:22 PM PDT, Renee A. Hughes <RHughes@scscourt.org> wrote:

Good Afternoon Gordon,

Can you repost the revised Court Reporter job announcement, please? I've added the realtime differential.

Thank you so much!

Reneé A. Hughes

Human Resources Analyst Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Gordon [mailto:gaiavao@yahoo.com]
Sent: Wednesday, June 27, 2018 10:45 AM
To: Renee A. Hughes < RHughes@scscourt.org>

Subject: Fw: FW: Request to Post Job Opportunity - Certified Court Reporter

Hi Ms. Huges,

I'm emailing in regards to the changes you said had been made to the job announcement. Could you please refer me to the specific changes to see if I need to remove language from the job posting on our website?

Also, I noticed that both in the attachment and the court's website that there was no mention of a realtime differential. I think this is a rather important piece of info for applicants. Can you update me on the current state of the realtime differential and whether I need to remove or change that portion of the language in the job posting we already have up.

Thanks,

Gordon F Alavao COCRA Board Member

From: Renee A. Hughes [mailto:RHughes@scscourt.org]

Sent: Tuesday, June 26, 2018 3:11 PM

Subject: Request to Post Job Opportunity - Certified Court Reporter

Good Afternoon,

My name is Renee Hughes and I am reaching out to you regarding the Certified Court Reporter position you previously posted for the Superior Court of CA, County of Santa Clara. I believe you may have received the job description from Sulakshna Chauhan to post and circulate, however, we have recently made some updates/changes to the job description and I have attached a copy for your review. Would it be possible for you to repost the position?

If you could please confirm if you are able to post the Certified Court Reporter position, I would greatly appreciate it!

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thanks again,

Reneé A. Hughes

Human Resources Analyst Superior Court of CA, County of Santa Clara

Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org



Virus-free. www.avast.com

From: Jordan, Sylvia <sjordan@ncsc.org>
Sent: Wednesday, January 09, 2019 12:19 PM

To: Renee A. Hughes

Subject: RE: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Hello,

The position has been posted until March 8, 2019. Please let me know if it is filled before that date.

Thanks, Sylvia

Sylvia Jordan | Human Resources Office

National Center for State Courts | 300 Newport Avenue | Williamsburg, VA 23185 t 757.259.7555 | f 757.259.1522 | sjordan@ncsc.org | www.ncsc.org

(4) Please print responsibly

From: Renee A. Hughes <RHughes@scscourt.org> Sent: Wednesday, January 9, 2019 3:06 PM To: Jordan, Sylvia <sjordan@ncsc.org>

Subject: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Good Afternoon,

Happy New Year!

On behalf of the Superior Court of California, County of Santa Clara, please repost and circulate the revised job announcement for Certified Court Reporter.

Closing Date: Continuous

Thank you,

Reneé A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Mary Petto <mpetto@ncra.org>

Sent: Wednesday, January 09, 2019 1:02 PM

To: Renee A. Hughes

Subject: RE: Certified Court Reporter

Here you go:

https://www.ncra.org/detail-pages/job-details-page/certified-court-reporter---county-of-santa-clara-ca

Mary Petto

Senior Director, External Affairs

Deputy Director, National Court Reporters Foundation mpetto@ncra.org

Direct: 703-584-9022, Mobile: 732-580-3203

National Court Reporters Association 12030 Sunrise Valley Drive, Suite 400 Reston, VA 20191 www.NCRA.org

From: Renee A. Hughes [RHughes@scscourt.org] Sent: Wednesday, January 09, 2019 1:05 PM

To: Mary Petto

Subject: RE: Certified Court Reporter

Perfect! Thank you!

Thank you,

Reneé A. Hughes

Human Resources Analyst

Superior Court of CA, County of Santa Clara Human Resources Division

Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

----Original Message-----

From: Mary Petto [mailto:mpetto@ncra.org] Sent: Wednesday, January 09, 2019 10:05 AM To: Renee A. Hughes <RHughes@scscourt.org>

Subject: RE: Certified Court Reporter

Hi Renee, we will put it in for 120 days. Please mark your calendar for 115 days to check back in if you want it to be renewed.

Mary Petto

Senior Director, External Affairs

Deputy Director, National Court Reporters Foundation mpetto@ncra.org

From: Stephanie F Stubbs <sstubbs@marin.edu>
Sent: Wednesday, January 09, 2019 1:24 PM

To: Renee A. Hughes

Subject: Re: Request to Post Job Opportunity - Certified Court Reporter

Definitely!!

Stephanie Stubbs

Court Reporting Department Coordinator College of Marin sstubbs@marin.edu

Tel: 415-457-8811 ext. 8226

On Jan 9, 2019, at 12:10 PM, Renee A. Hughes < RHughes@scscourt.org > wrote:

Hi Stephanie,

Happy New Year!

Would it be possible to repost the attached revised job announcement?

Thank you,

Renee A. Hughes Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710 Fax: (408) 882-2796

Email: rhughes@scscourt.org

From: Stephanie F Stubbs [mailto:sstubbs@marin.edu]

Sent: Tuesday, June 26, 2018 7:38 PM

To: Renee A. Hughes <RHughes@scscourt.org>

Subject: Re: Request to Post Job Opportunity - Certified Court Reporter

Will do!!

Stephanie Stubbs

Court Reporting Department College of Marin sstubbs@marin.edu Tel: 415-457-8812 ext. 8226



THE SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA

Invites you to an

OPEN HOUSE

For The Position Of

CERTIFIED COURT REPORTER

Date:

Friday March 1, 2019

Time:

11:00am To 2:00pm

Location:

Family Justice Center Courthouse 201 North 1st Street, 8th Floor – Judicial Conference Room San Jose, CA-95113 Refreshments will be served

The Court

Located in the heart of Silicon Valley, the Superior Court of California, County of Santa Clara is the fifth largest Court in the state with a strong reputation for progressive processes and quality service. The Bench consists of 77 judicial officers and 5 subordinate judicial officers. There are eight courthouse locations. Santa Clara County has a high standard of living with world-renowned industry, premier colleges and universities, and a robust cultural diversity that adds to the unique flavor of our community.

The Certified Court Reporter Position

This specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Starting salary at \$91,927.68 (Full Range- \$91,927.68 \$106,414.88)
- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court-administered Realtime certification test shall receive a 5% pay differential.

Benefits

The Court offers a substantial benefits package to include CaLPERS pension, a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation to start, 4 days of personal leave, a day off for your birthday, and generous sick leave. The Court also contributes to eligible deferred compensation accounts.

Currently, the Court fully pays the medical coverage for employee and dependents on the lowest cost medical plan offered by the Court. Up to the same maximum contribution will be made to the other available plans (i.e., Kaiser, Health Net and Valley Health Plan).

To RSVP or for any questions about this event or recruitment please email flenge Hughes at muches@sescourt.org

Structure of the Superior Court

- Judges 77 & Commissioners 6
- Court employees 600
- Courthouses 8
- · Court Operations Divisions:
 - Criminal, Traffic, Civil, Court Services, Family Resources, and Juvenile

1

Court Employment Benefits

- · CalPERS pension
- . Choice of health, dental, and vision plans
- 13 paid holidays, 3 weeks of vacation to start, 4 days of personal leave, a day off for your birthday, and generous sick leave
- The Court also contributes to eligible deferred compensation accounts

3



-

Old Courthouse



2



- 4

Structure of the Superior Court

- Judges 77 & Commissioners 6
- Court employees 600
- Courthouses 8
- Court Operations Divisions:
 - Criminal, Traffic, Civil, Court Services, Family Resources, and Juvenile





8

Court Employment Benefits

- CalPERS pension
- · Choice of health, dental, and vision plans
- 13 paid holidays, 3 weeks of vacation to start, 4 days of personal leave, a day off for your birthday, and generous sick leave
- The Court also contributes to eligible deferred compensation accounts

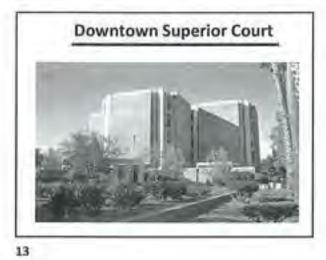
10

Traffic Courthouse



Structure of the Superior Court

- Judges 77 & Commissioners 6
- Court employees 600
- Courthouses 8
- Court Operations Divisions:
 - Criminal, Traffic, Civil, Court Services, Family Resources, and Juvenile





ACCV2010 Job Bulletin



SUPERIOR COURT, COUNTY OF SANTA CLARA invites applications for the position of:

Certified Court Reporter

SALARY: \$44.20 - \$51.16 Hourly

\$3,535.68 - \$4,092.88 Elweekly \$7,660.64 - \$8,867.91 Monthly \$91,927.68 - \$105,414.88 Annually

OPENING DATE: 08/31/18

CLOSING DATE: Continuous

DEFINITION/DESCRIPTION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employer-paid deferred compensation.

Our Court offers Health insurance plans currently through Kaiser, HealthNet and Valley Health Plan. The Court <u>currently</u> fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition the Court July covers the premium for dental and vision insurance.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- Maintains a variety of paper and electronic files;
- Performs other related duties as required.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the 1/23/2019 Job Bulletin

Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- Office management principles, methods, and procedures;
- Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION: Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, furnes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- Read back court proceedings in a clear concise manner in a courtroom or other setting;
- Physical Demands:
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting;
- Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.
- Please note: The Superior Court is establishing an eligibility list from this recruitment which may be used to fill both temporary and permanent vacancies. Please mark your interest clearly on your employment application as to your desire for temporary or permanent employment or both.

Application Requirements:

 This recruitment requires the submission of an on-line application. No paper applications will be accepted. 1/23/2019 Add Bulletin

 An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The Court provides reasonable accommodations for applicants with disabilities. If you are disabled as defined by the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act and will be requesting an accommodation, please contact Sulakshna Chauhan at schauhan@scscourt.org or (408) 882-2700, to discuss your request. TDD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 Immigration Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at 408-882-2747.

APPLICATIONS MAY BE FILED ONLINE AT:

Superior Court of CA County of Sante Clara, CA 95113 Position #18/1900AUG CERTIFIED COURT REPORTER

Certified Court Reporter Supplemental Questionnaire

| * 1. | I understand that for my application to be considered, I must complete required |
|------|--|
| | supplemental questionnaires as part of the application screening and selection process. The |
| | information I provide will be reviewed and used to determine my eligibility to move forward in |
| | the selection process. Incomplete responses, false statements, omissions, or partial |
| | Information may result in disqualification from the selection process. |

TYes INO

* 2. I understand that for my application to be considered, I must thoroughly complete the work experience and education portions of the application form, as well as provide a resume as an attachment, to demonstrate my qualifications for this job.

☐Yes ☐No

* 3. Authorization and Release, I have applied for employment with the Superior Court of California, County of Santa Clara ("Court") and have provided information about my current and/or previous employment. I authorize the Court to investigate all statements made in my application for employment and to obtain any and all information concerning my former/current employment. This includes my job performance appraisals/evaluations, wage history, disciplinary action(s) if any, and all other matters pertaining to my employment history. I authorize my former and current employers and references to release contents of my employment record with their organizations and to provide any additional information that may be necessary for my application for employment with the Court, whether the information is positive or negative. I hereby release all such agencies and/or individuals who furnish such information, and the Court, from liability for damages, which may result from furnishing or receiving the information requested.

JYes JNo

Required Question

W5/2021 Jub Bulletin



SUPERIOR COURT, COUNTY OF SANTA CLARA Invites applications for the position of:

Certified Court Reporter

SALARY: \$46,43 - \$56,44 Hourly

\$3,714.76 - \$4,515.08 Blweekly \$8,048.66 - \$9,782.68 Monthly \$96,583.86 - \$117,392.18 Annually

OPENING DATE: 07/16/21

CLOSING DATE: 08/20/21 11:59 PM

DEFINITION/DESCRIPTION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employer-paid deferred compensation.

Our Court offers Health insurance plans currently through Kaiser, HealthNet and Valley Health Plan. The Court <u>currently</u> fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition the Court fully covers the premium for dental and vision insurance.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- · Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbalim record, pursuant to California Rules of Court, Rule 810;
- Maintains a variety of paper and electronic files.
- · Performs other related duties as required.

8/5/2021 Job Bulletin

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- · Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbatim proceedings:
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- Read back court proceedings in a clear concise manner in a courtroom or other setting;
- · Physical Demands:
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- · Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting;
- · Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.

IMMONY Job Bulletin

Please note. The Superior Court is establishing an eligibility list from this recruitment which
may be used to fill both temporary and permanent vacancies. Please mark your interest
clearly on your employment application as to your desire for temporary or permanent
employment or both.

Application Requirements:

- This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The Court provides reasonable accommodations for applicants challenged with disabilities. If you are challenged with a disability as defined by the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act and will be requesting an accommodation in the application process, please contact Renee Hughes or Pam McGee at rhughes@scscourt.org or (408) 882-2703 to discuss your request. TDD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 Immigration Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at (408) 882-2747.

APPLICATIONS MAY BE FILED ONLINE AT

Position #21/22000UL CERTIFIED COURT REPORTER

Superior Court of CA County of Santa Clare, CA 95113

Certified Court Reporter Supplemental Questionnaire

| I understand that for my application to be considered, I must complete required supplemental questionnaires as part of the application screening and selection process. The information I provide will be reviewed and used to determine my eligibility to move forward in the selection process. Incomplete responses, false statements, ornissions, or partial |
|---|
| information may result in disqualification from the selection process. |

J Yes J No.

* 2. I understand that for my application to be considered, I must thoroughly complete the work experience and education portions of the application form, as well as provide a resume as an attachment, to demonstrate my qualifications for this job.

JYes JNo

* 3. Authorization and Release. I have applied for employment with the Superior Court of California, County of Santa Clara ("Court") and have provided information about my current and/or previous employment. I authorize the Court to investigate all statements made in my application for employment and to obtain any and all information concerning my former/current employment. This includes my job performance appraisals/evaluations; wage history, disciplinary action(s) if any, and all other matters pertaining to my employment history. I authorize my former and current employers and references to release contents of my employment record with their organizations and to provide any. 8/5/2021 Job Bulletin

additional information that may be necessary for my application for employment with the Court, whether the information is positive or negative. I hereby release all such agencies and/or individuals who furnish such information, and the Court, from liability for damages, which may result from furnishing or receiving the information requested.

☐ Yes ☐ No

* Required Question

Sorayma PerezSalgado

From: Renee A. Hughes

Sent: Friday, July 16, 2021 1:36 PM
To: 'Bector, Atul'; 'Grace, Sandra'

Cc: Julie Pham; Ivory Rachal; Pam McGee

Subject: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Attachments: Court Reporter Job Description.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

The filing deadline: 8/6/2021

Thank you,

Reneė A. Hughes
Senior Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Phone: (408) 882-2710
Email: rhughes@scscourt.org

NOTICE:

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Sorayma PerezSalgado

From: Renee A. Hughes

Sent: Friday, July 16, 2021 2:42 PM

To: 'adsupport@ncra.org'; mpetto@ncra.org
Cc: Human Resources; Pam McGee; Julie Pham

Subject: Certified Court Reporter

Attachments: Court Reporter Job Description.pdf

Good Afternoon,

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Verbiage for posting:

SUPERIOR COURT OF CA, COUNTY OF SANTA CLARA IS HIRING
Invites applications for the position of: Certified Court Reporter TO APPLY PLEASE VISIT:
http://www.scscourt.org/jobs Closing date: 8/6/2021

Can you please provide instructions on how to get the position posted?

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thank you,

Reneé A. Hughes

Senior Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710

Email: rhughes@scscourt.org

NOTICE:

This email message and/or its attachment may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you received this message in error, please notify the sender by return email.

MONSTER

CERTIFIED COURT REPORTER

CERTIFIED COURT REPORTER San Jose, CA 95110



Details

Highlights

Certified Court Reporter DEFINITION/DESCRIPTION:

Under direction, this specialized disselfication stemographically records and maintains an afficialrecord of court proceedings, reads notes as required, prepares transcripts, and performs othermated duries as required.

Incumberits in this classification are responsible for making verbatim official records of courtproceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Courtedministered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, avision plan. 13 paid hulidays. 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for amployer-paid deferred compensation.

Our Court offers Health insurance plans currently through Kaiser, HealthNell and Valley HealthPlan. The Court currently fully pays for medical coverage for employee and dependents whenselecting Kaiser, to addition the Court fully covers the premium for dental and vision insurance.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of theproceedings, often of a technical nature and at a high rate of speed;
- · Provides immediate read back of all or portions of the record upon request.
- + Prepares printed or magnetic media transcripts of court proceedings.
- · Reviews, cartifies, and files printed transcripts of court proceedings and provides distylninscripts as needed.
- + Qualified incumberts may process court information/proceedings by useof realtime technology.
- Incumbents provide, at own expense, all necessary equipment and materials to produce theverbacin record, pursuant to California Rules of Court. Rule 810;
- · Maintains a variety of paper and electronic files;
- · Performs other related duties as required

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realisme test administrated by the

Court, incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Onvera license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology, basic medical and other specialized and technical terminology required for court proposessings and protocol;
- English usage, grammer, punctuation, and spelling transcript production procedures and practices; office procedures and practices;
- + Office management principles, methods, and procedures.
- Court procedures and protocol.

Ability To:

- + Record shorthand at a minimum of 200 words per minute with 97.5% accuracy
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and thepublic.
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language.
- Ability to converse and respond appropriately to inquiries and requests.
- Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inclide buildings, with limited exposure to dust, furnes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbellin proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and officer documents.
- · Read back court proceedings in a clear concise manner in a courtroom or other setting,
- · Physical Demands:
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, slooping, and squalting.
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Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal, written examination, oral exemination.

Application Requirements:

- This recruitment requires the submission of an on-line application (see website below). No paper applications will be accepted.
- An electronic copy of your Resums and your Certification by the California Department of Consumer Affairs Dimitiled Shorthand Reporters Board must also be submitted as an attachment to this application submission.

https://agency.government/obs.com/scscourt/default.cfm



Salary

\$56 KR\$ RR . \$117 555 48/mor













You posted this job on July 16, 2021

Manage job post



Court Reporter

Superior Court of CA, Santa Clara County - San Jose, CA 2 minutes ago



Full-time



20: See recent hiring trends for Superior Court of CA, Santa Clara County. Try Premium for free





About the job

DEFINITION/DESCRIPTION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs otherrelated duties as required. Incumbents in this classification are responsible for making verbatim official records of courtproceedings in machine shorthand and providing read back of all or portions of the record uponrequest.

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- . Court Reporters who have successfully completed the Courtadministered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, avision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employer-paid deferred compensation







Home

My Network

Jobs

medical coverage for employee and dependents whenselecting Kaiser. In addition the Court fully covers the premium for dental and vision insurance.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of theproceedings, often of a technical nature and at a high rate of speed;
- Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides dailytranscripts as needed;
- Qualified incumbents may process court information/proceedings by useof realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce theverbatim record, pursuant to California Rules of Court, Rule 810;
- · Maintains a variety of paper and electronic files;
- Performs other related duties as required.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the

Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- Office management principles, methods, and procedures;
- Court procedures and protocol.

Ability To:

Record shorthand at a minimum of 200 words per minute with







Home

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Jobs

- staff, attorneys, and thepublic,
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- Read back court proceedings in a clear concise manner in a courtroom or other setting;
- Physical Demands:
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting;
- Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.

Application Requirements:

- This recruitment requires the submission of an on-line application (see website below). No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand







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https://agency.governmentjobs.com/scscourt/default.cfm

Contact the job poster



Superior Court of California County of Santa Clara Superior Court of California

PREMIUM Send InMail

See less ^

Pay range unavailable

Salary information is not available at the moment

Are you interested in salary information for this job? Yes / No

Featured benefits

Glased on information provided by the employer

Medical insurance) Vision insurance) Dental insurance

A Set alert for similar jobs

Get ahead with Premium Career



Contact recruiters directly



See who's viewing your profile



Stand out as a featured applicant

Sorayma PerezSalgado

From: Renee A. Hughes

Sent: Friday, July 16, 2021 2:55 PM

Cc: Human Resources

Subject: Job Opportunity - Certified Court Reporter

Attachments: Court Reporter Job Description.pdf

Good Afternoon,

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

The filing deadline: 8/6/2021

Would you please post and circulate the attached job announcement.

Thank you in advance and please do not hesitate to contact me if you have any questions.

Thank you,

Reneé A. Hughes Senior Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710

Email: rhughes@scscourt.org

NOTICE:

This email message and/or its attachment may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you received this message in error, please notify the sender by return email.

Sorayma PerezSalgado

From:

Julie Pham

Sent:

Friday, July 16, 2021 4:21 PM

To:

Renee A. Hughes

Cc:

Pam McGee; Ivory Rachal

Subject:

RE: Court Reporter Recruitment

Hi Renee,

Confirming the Court Reporter position has been posted on LinkedIn (will close on 8/6) and Monster (30 days ~ 8/16).

Thank you,

Julie Pham

Confidential Support Tech II
Human Resources Division
Superior Court of CA, County of Santa Clara
Phone: (408) 882-2725 Fax: (408) 882-2796
Email: jhpham@scscourt.org

From: Renee A. Hughes

Sent: Friday, July 16, 2021 1:34 PM To: Julie Pham <jhpham@scscourt.org>

Cc: Pam McGee <PMcGee@scscourt.org>; Ivory Rachal <IRachal@scscourt.org>

Subject: Court Reporter Recruitment

Hi Julie,

I am posting the Court Reporter position today. Can you post to the sites below (with your name) by end of day on Monday, please?

Governmentjobs.com - RH
Indeed - RH
Judicial Council - RH
Court Reporting Schools - RH
Linked In - Julie
Monster.com - Julie
National Court Reporter Association - RH
National Center for State Courts - RH

Thank you,

Reneé A. Hughes
Senior Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Phone: (408) 882-2710

Email: rhughes@scscourt.org

From: ccra@memberclicks-mail.net on behalf of California Court Reporters Association
<ccra@memberclicks-mail.net>

Sent: Thursday, September 9, 2021 10:17 AM

To: Renee A. Hughes

CCRA Classified Ad Submission Form Submitted Successfully

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Dear Renee Hughes,

Thank you for your classified ad submission. Your ad will be posted on the CCRA website within 72 hours or less. Here is the information you provided. If changes are needed to your classified ad, please e-mail the CCRA office at info@cal-ccra.org.

The Superior Court of California, County of Santa Clara invites applicants to apply for the Court Reporter position. Qualified candidates will be interviewed.

For more information and to apply please visit: https://agency.governmentjobs.com/scscourt/default.cfm This recruitment is open until filled.

Additional:

Payment Information:

Total: \$0.00

Receipt ID: 204789716 Receipt Date: 09/09/2021

Please contact the CCRA office should you have any questions.

(949) 715-4682 info@cal-ccra.org

Privacy Policy



From:

Julie Pham

Sent:

Monday, September 20, 2021 9:48 AM

To:

'smaisuria@maccormac.edu'

Cc:

Renee A. Hughes

Subject:

RE: Job Opportunity - Certified Court Reporter

Attachments:

Job Bulletin.pdf

Hi Sharvin,

My name is Julie and I am assisting Renee Hughes with the Certified Court Reporter posting.

Please see the attached job bulleting for details to be posted on Handshake and let me know if you have any questions.

Thank you,

Julie Pham

Confidential Support Tech II
Human Resources Division
Superior Court of CA, County of Santa Clara
Phone: (408) 882-2725 Fax: (408) 882-2796
Email: jhpham@scscourt.org

From: Sharvin Maisuria [mailto:smaisuria@maccormac.edu]

Sent: Friday, September 17, 2021 7:14 AM To: Renee A. Hughes <RHughes@scscourt.org>

Subject: Re: Job Opportunity - Certified Court Reporter

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi.

Thank you for reaching out. We utilize Handshake for our job board--it is a free account to create and post jobs. Once it is created, you can add our school and have the job posted on our job board. Alternatively, I can post it on your behalf and give the contact details in the posting, again at no charge at all. I have also forwarded your message to our Director of Court Reporting, Ms. Scott. Thank you for thinking of us for this opportunity!

Best regards, Sharvin

On Thu, Sep 16, 2021 at 2:34 PM Renee A. Hughes < RHughes@scscourt.org > wrote:

Good Afternoon,

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

· Certified Court Reporter

Can you tell me how I would go about advertising this position with your agency and if there are any fees associated with posting this job opportunity?

If you have any questions, please feel free to contact me.

Thank you,

Reneé A. Hughes

Senior Human Resources Analyst Superior Court of CA, County of Santa Clara

Human Resources Division Phone: (408) 882-2710 Email: rhughes@scscourt.org

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Prof. Sharvin Maisuria, JD MacCormac College 29 E. Madison Street Chicago, IL 60602

Email: smaisuria@maccormac.edu

Phone: 312.922.1884

Web. www.maccormac.edu

From:

Julie Pham

Sent

Wednesday, September 22, 2021 12:49 PM

To:

Renee A. Hughes

Subject:

RE: Court Reporter Recruitment

Completed. CR has been posted on Monster for 30 days - expires on 10/22/2021.

Julie Pham

Confidential Support Tech II

Human Resources Division

Superior Court of CA, County of Santa Clara

Phone: (408) 882-2725 Fax: (408) 882-2796

Email: jhpham@scscourt.org

From: Renee A. Hughes

Sent: Wednesday, September 22, 2021 12:26 PM

To: Julie Pham <jhpham@scscourt.org> Subject: FW: Court Reporter Recruitment

Hi Julie,

Can you please repost? Approval below.

Thank you,

Reneé A. Hughes
Senior Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Phone: (408) 882-2710

Email: rhughes@scscourt.org

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From: Sulakshna Chauhan

Sent: Wednesday, September 22, 2021 12:02 PM To: Renee A. Hughes < RHughes@scscourt.org>

Cc: Pam McGee < PMcGee@scscourt.org>; Julie Pham < jhpham@scscourt.org>; Ivory Rachal < IRachal@scscourt.org>

Subject: RE: Court Reporter Recruitment

Approved.

From: Renee A. Hughes

Sent: Wednesday, September 22, 2021 11:12 AM

To: Sulakshna Chauhan <schauhan@scscourt.org>

Cc: Pam McGee < PMcGee@scscourt.org>; Julie Pham < ihpham@scscourt.org>; Ivory Rachal < IRachal@scscourt.org>

Subject: Court Reporter Recruitment

Sulakshna,

Since the Court Reporter position is now posted as continuous, should we continue to pay the \$375 (posting for 30 days) monthly until the position is filled? If so, the attached form needs your signature.

I would recommend we only utilize free sites for continuous postings as these fees can add up quickly.

Let me know your thoughts.

Thank you,

Reneé A. Hughes
Senior Human Resources Analyst
Superior Court of CA, County of Santa Clara
Human Resources Division
Phone: (408) 882-2710
Email: rhughes@scscourt.org

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MONSTER

Certified Court Reporter

Some District County.

model GARATO

Certified Court Reporter San Jose, CA 95110



Details

Highlights

Certified Court Reporter DEFINITION/DESCRIPTION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employer-paid deferred compensation.

Our Court offers Health insurance plans currently through Kaiser. Health Net and Valley Health Plan. The Court currently fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition the Court fully covers the premium for dental and vision insurance.

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of real time technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- · Maintains a variety of paper and electronic files;
- · Performs other related duties as required.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the

Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- · Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- · Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

- Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents.
- Read back court proceedings in a clear concise manner in a courtroom or other setting;
- Physical Demands
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- · Requires walking, some bending, stooping, and squalting,
- Continuous need for verbal comprehension and retention

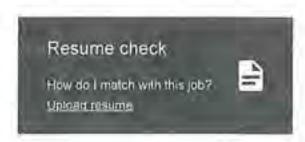
Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal, written examination, oral examination.

Application Requirements:

- This recruitment requires the submission of an on-line application (see website below).
 No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

https://agency.governmentjobs.com/sescourt/default.cfm



Salary



\$95,583.86 - \$117,392,16/year

From: Julie Pham

Sent: Wednesday, September 22, 2021 2:52 PM

To: Benjamin T. Rada
Cc: Ivory Rachal

Subject: RE: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Thanks Ben!

Julie Pham

Confidential Support Tech II
Human Resources Division
Superior Court of CA, County of Santa Clara
Phone: (408) 882-2725 Fax: (408) 882-2796
Email: jhpham@scscourt.org

From: Benjamin T. Rada

Sent: Wednesday, September 22, 2021 2:46 PM

To: Julie Pham <jhpham@scscourt.org> Cc: Ivory Rachal <IRachal@scscourt.org>

Subject: RE: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Posted.

Benjamin Rada

Cell: 408-334-9236 brada@scscourt.org

From: Julie Pham

Sent: Wednesday, September 22, 2021 9:39 AM

To: Benjamin T. Rada < BRada@scscourt.org>
Cc: Ivory Rachal < IRachal@scscourt.org>

Subject: FW: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Hi Ben,

Would you please post the Certified Court Reporter to the Court's LinkedIn page when you get a chance? Thank you!

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of CA, County of Santa Clara Phone: (408) 882-2725 Fax: (408) 882-2796

Email: jhpham@scscourt.org

From: Renee A. Hughes

Sent: Tuesday, September 21, 2021 6:31 PM

To: Grace, Sandra < Sandra.Grace@jud.ca.gov >; Taylor.Wolgamott@jud.ca.gov

Cc: Julie Pham < jhpham@scscourt.org>; Pam McGee < PMcGee@scscourt.org> Subject: Recruitment - Santa Clara Superior Court - Certified Court Reporter

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Filing deadline: Open Until Filled

Thank you,

Reneé A. Hughes Senior Human Resources Analyst Superior Court of CA, County of Santa Clara Human Resources Division Phone: (408) 882-2710

Email: rhughes@scscourt.org

NOTICE:

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Renee A. Hughes

From: Web Works <webworks2@ncra.org>
Sent: Friday, May 13, 2022 8:41 AM

To: Renee A. Hughes
Cc: Web Works

Subject: RE: NCRA Officialship Jobs Form

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Renee.

Thank you for your job listing submission for placement on the NCRA.org/Jobs website.

This is the direct link to your job listing, which will expire at midnight (ET) on 5/13/2022.

https://www.ncra.org/detail-pages/job-details-page/certified-court-reporter-(job-number-21-2200jul)

For changes or to extend the posting period for this submission, please email webworks@ncra.org.

For NEW Officialship job positions, please submit using our web form at this link https://www.ncra.org/home/forms/officialships-form-submission, which is also accessible from our <u>Classifieds</u> page.

Regards,

NCRA Web Communications Team National Court Reporters Association 12030 Sunrise Valley Drive, Suite 400 Reston VA 20191



New form submission

NCRA Officialship Jobs Form

Submitted on 11 May 2022, 08:27 PM, via IP 63.202.219.198 by Anonymous

Job title

Certified Court Reporter

Officialship

Job description Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required. Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request. - Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential. - Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential The Court offers a substantial benefits package to include a choice of health plan, dental plan, a vision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employerpaid deferred compensation. Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings.

Website URL

http://www.scscourt.org/jobs

Place my ad under the category:

Court Reporter

Select the ad duration

12 Months

Last name

Hughes

First name

Renee

Email

rhughes@scscourt.org

Phone

4088822710

Organization

Santa Clara Superior Court

City

San Jose

State

CA

Renee A. Hughes

From: ccra@memberclicks-mail.net on behalf of California Court Reporters Association

<ccra@memberclicks-mail.net>

Sent: Friday, May 13, 2022 3:40 PM

To: Renee A. Hughes

Subject: CCRA Classified Ad Submission Form Submitted Successfully

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Dear Renee Hughes,

Thank you for your classified ad submission. Your ad will be posted on the CCRA website within 72 hours or less. Here is the information you provided. If changes are needed to your classified ad, please e-mail the CCRA office at info@cal-ccra.org.

The Superior Court of California, County of Santa Clara invites applicants to apply for the Court Reporter position.

Qualified candidates will be interviewed.

For more information and to apply please visit: https://agency.governmentjobs.com/sescourt/default.cfm This recruitment is open until filled.

Additional:

Payment Information:

Total: \$0.00

Receipt ID: 206273514 Receipt Date: 05/13/2022

Please contact the CCRA office should you have any questions.

(949) 715-4682 info@cal-ccra.org

Privacy Policy

Home - Jobs (/emp/jobs) (/emp) **Certified Court Reporter** My Profile (/emp/users/43137219) Job #6695284 . Created 7/18/2022 by Julie Pham . Expires 12/30/2022 Company Profile More Actions + (/emp/employers/83886) (/emp/jobs/6695284/edit) **Postings** Schools (/emp/jobs/6695284/schools) Overview (/emp/jobs/6695284) Matches (/emp/jobs/ Jobs. (/emp/jobs) Recommended Schools Customize Recommendations Relationships Based on number of qualified candidates 0 at each school. Search Students (/emp/students) Schools California State University, (/emp/employer_approvals) University of California, Los University of California Davis Angeles Davis, CA. Northridge Contacts Los Angeles, CA Northridge, CA (/emp/contacts): Qualified candidates here: Qualified candidates here: Qualified candidates here: 18196 18232 14478 Meetings Events (/emp/events? include_past_events=true) Request connection Request connection Request connection Scheduling (/emp/schedules/employer_h On-Campus 2 Interviews California Polytechnic State University of California, Santa (/emp/Interview_schedules) University - San Luis Obispo Barbara Fairs San Luis Obispo, CA Santa Barbara, CA (/emp/career_fairs) Qualified candidates here: Qualified candidates here: 13917 12969 **≜**Talent Engagement Branding Segments Request connection Request connection Campaigns Analytics Load more Learn More → (https://joinhandshake.ci service-pricing/? utm_source=emp_growtl Targeted schools Post to more schools (/emp/jobs/6695284/edit?initial_page=3) tes_module_on_core&utr Search for a school Pending (10) Approved (7) School Status Applications Comments Apply Start Expiration + California State University, San Pending 0 7/18/22 12/30/22 Ε Bernardino

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Branding

Segments

Campaigns

Analytics

Learn More → (https://joinhandshake.cr service-pricing/? utm_source=emp_growtl tes_module_on_core&utr

0591

From: Julie Pham

Sent: Wednesday, May 18, 2022 3:43 PM

To: 'Amy Narber'

Subject: RE: DICE Postings for 2022
Attachments: Court Reporter Job Bulletin.pdf

Hi Amy,

We would like to move forward with posting 1 job for 3 months. How do we go about with getting it posted? Attached is the job description. Feel free to give me a call if that's easier.

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of CA, County of Santa Clara Phone: (408) 882-2725 Fax: (408) 882-2796

From: Amy Narber <amy.narber@dice.com>
Sent: Wednesday, May 18, 2022 1:06 PM
To: Julie Pham <jhpham@scscourt.org>
Subject: RE: DICE Postings for 2022

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Sounds good! I'll wait patiently over here. @

Warm Regards, Amy

Amy Narber, Account Executive, Dice O: 303.562.0146 | amy.narber@dice.com Book a meeting with Amy Narber

From: Julie Pham < ihpham@scscourt.org>
Sent: Wednesday, May 18, 2022 12:56 PM
To: Amy Narber < amy.narber@dice.com>
Subject: RE: DICE Postings for 2022

Hi Amy,

Thank you for checking in. I sent the information to the management and awaiting for their decision/approval. Once I know more, I will be sure to reach out to you for posting.

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of CA, County of Santa Clara Phone: (408) 882-2725 Fax: (408) 882-2796

From: Amy Narber <amy.narber@dice.com>
Sent: Wednesday, May 18, 2022 9:43 AM
To: Julie Pham <inpham@scscourt.org>
Subject: RE: DICE Postings for 2022

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi Julie-

I know you wanted to get your job up asap. Any thoughts on the info/pricing I sent over last night? Happy to get this going for you quickly if needed. Thanks!

Warm Regards, Amy

Amy Narber, Account Executive, Dice O: 303.562.0146 | amy.narber@dice.com Book a meeting with Amy Narber

From: Amy Narber

Sent: Tuesday, May 17, 2022 5:52 PM To: Julie Pham <jhpham@scscourt.org> Subject: RE: DICE Postings for 2022

Hi Julie-

Happy to help you with that, and I'm glad you reached out instead of purchasing online. The webstore postings are static, uneditable, and non-refreshable, as well as more expensive than a flexible job slot. If you want to post for 3 months, the job slot is by far the superior way to go for the best response.

I can provide the 3-month job slot w/ free minimal access to the Dice candidate database (if you want to try reaching out to some candidates proactively) for \$1,150. Please let me know if that work and you'd like to proceed, or any questions/concerns.

Thanks!

Warm Regards, Amy

Amy Narber, Account Executive, Dice O: 303.562.0146 | amy.narber@dice.com Book a meeting with Amy Narber

From: Julie Pham <jhpham@scscourt.org>
Sent: Tuesday, May 17, 2022 5:06 PM
To: Amy Narber amy.narber@dice.com>
Subject: RE: DICE Postings for 2022

From: Julie Pham

Sent: Monday, July 18, 2022 2:47 PM

To: sstubbs@marin.edu
Cc: Scscourt Recruitment
Subject: Court Reporter Posting

Attachments: Court Reporter Job Bulletin - Continuous.pdf

Hi Stephanie,

My name is Julie and work for the Superior Court of CA, County of Santa Clara HR department. I received your contact from my colleague Renee Hughes who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham



SUPERIOR COURT, COUNTY OF SANTA CLARA invites applications for the position of:

Certified Court Reporter -Open Until Filled

SALARY:

\$55, 35 - \$64.07 Haurly \$4,428.00 - \$5,125,85 Elweekly \$9,594.00 - \$11,106.00 Monthly \$115,128.00 - \$133,272.00 Annually

OPENING DATE: 11/05/21

CLOSING DATE: Continuous

DEFINITION/DESCRIPTION:

New Hires will receive \$7500 SIGNING BONUS*

SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps. Progression from a step is after completing a year of service in the current step.

The current contract dated October 1, 2022 through September 30, 2025 has the belownegotiated salary increases which will be implemented as follows:

- 2023: Effective the first full pay period in October 2023, all unit members shall receive a five percent (5.0%) increase in salary.
- 2024: Effective the first full pay period in October 2024, all unit members shall receive a four percent (4,0%) increase in safety.

"Upon line, a sign-on bonus of \$7,500 shall be offered to all new bargaring unit employees, to be paid out as follows: \$4,000 upon beginning work for the Court: \$2,000 at the first anciversary of amployment, and \$1,500 at the second anniversary of employment.

DEFINITION/DESCRIPTION:

Superior Court of California, County of Santa Clara is the 7th largest unified trial court in California. Its 77 Judicial Officers work in one of the 7 Courthouses within the County and are supported by close to 600 full-time Court employees.

COURT REPORTERS are responsible for making verbalim difficial records of court processings in machine shorthand and providing read back of all or portions of the record upon request.

Under direction, this specialized bissilication stanographically records and maintains an official record of court proceedings, reads notes as requested, preparts transcripts, and performs other related duties as required.

Applications may be submitted for Full Time, Part Time and Extra Help** opportunities.

**Exits Help: Positions that are used by the Court to handle peak workload and vacancies. These positions are not eligible for most Court benefits.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbalim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- . Provides immediate read back of all or portions of the record upon request:
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed:
- Qualified incumbents may process court information/proceedings by use of realtime technology.
- Incumbents provide, at own experite, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 510;
- · Maintains a variety of paper and electronic files.
- · Performs other related duties as required.

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required.

- Realtime reporting is highly desirable. In order to receive the differential, incumbents must be Realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a Realtime test administered by the Court.
- Incumbents provide and maintain the necessary equipment for the transcription of court proceedings.

Employees will be eligible for reimbursements up to \$2000 from the Court for limited equipment.

A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- · Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:

- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- Read back court proceedings in a clear concise manner in a courtroom or other setting;

Physical Demands:

- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- · Requires walking, some bending, stooping, and squatting;
- Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.

Please note: The Superior Court is establishing an eligibility list from this recruitment which may be used to fill both temporary and permanent vacancies. Please mark your interest clearly on your employment application as to your desire for temporary or permanent employment or both.

Application Requirements:

- This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The Court is an equal opportunity employer, All applicants will be considered for employment without attention to race, color, religion, sex, sexual orientation, gender identity, national origin,

and water an in disability status. The Court provides reasonable accommodators for applicants challenged with disabilities. If you are challenged with a disability as defined by the Federal Americans with Disabilities Act on the California Fair Employment and Housing Act and will be requesting an accommodation in the application process, please contact Renee Hughes of Pain McGee at rhughes Secretaring or process, please contact Renee Hughes of Pain McGee at rhughes Secretaring or process. TOD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 10ttle Immigration Reform & Control Act. This verification is required only after an offer el employment has been made. For further information regarding the required verification, please contact Human Resourcers at (405) \$12-2747.

BENEFITS

The Superior Court offers an excellent benefit package, summarized as follows:

- CalPERs Rutrement Plan: Specific trenefit formula ditterminari per California Public Employees Retirement System regulations.
- Health Benefits. The Court offers health insurance plans surrevity through Kaiser.
 HealthNot, and Valley Health Plan. The Court currently fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition, the Court fully covers the premium for dental and vision insurance.
- Holidays and Leave Benefits: Employees in these positions will be entitled in 14 paid holidays, 16 days of vacation earned during the first year of service, 4 days of personal leave, a day off on their birthday, and sick leave accrued at the rate of 100 hours per year.
- Longerry Pay: After completing 2,611 days of continuous service: the Down provides \$50 per pay period as a longevity payment.
- . Deferred compensation plans: Employees will have access to deterred compensation plans.
- Realtime/CART Court Reporting Certification Offerential
- Court Reporters who hold a state or national Realtime certification (CRR, CRP, DCRR).
 CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have suppressfully completed the Court administered Remarks pertilication test shall receive a 5% pay differential.

Bernelits are proteiled for Part-Time employees and Extra Help are eligible for firmed benefits. Please reach out to the HR representative for more information.

APPLICATIONS HAY BE FILED ONLINE AT HERLY/WHI ACCOUNT, NO.

Superior Count of CA County of Senta Chira, CA 95111

(copyets -- ourse, ref)

CERTIFIED COUNT REPORTER - GPEN UNTIL FILLED

Certified Court Reporter - Open Until Filled Supplemental Questionnaire

| 1 | I understand that for my application to be considered, I must complient required |
|---|---|
| | supplemental questionnaires as part of the application screening and selection process. The |
| | |
| | information I provide will be reviewed and used to determine my eligibility to move forward |
| | in the selection process. Incomplete responses, false statements, omissions, or partial |
| | information may result in disqualification from the selection process. |

Jyes Jivo

2. I understand that for my application to be considered, I must thoroughly complete the work experience and education portions of the application form, as well as provide a resume as an attachment, to demonstrate my qualifications for this job.

Jives Jivo

3. Authorization and Release. I have applied for employment with the Superior Court of California, County of Santa Clara ("Court") and have provided information about my current and/or previous employment. I authorize the Court to investigate all statements made in my application for employment and to obtain any and all information concerning my former/current employment. This includes my job performance appraisals/evaluations, wage history, disciplinary action(s) if any, and all other matters pertaining to my employment history. I authorize my former and current employers and references to release contents of my employment record with their organizations and to provide any additional information that may be necessary for my application for employment with the Court, whether the information in positive or negative. I hereby release all such agencies and/or individuals who furnish such information, and the Court, from liability for damages, which may result from furnishing or receiving the information requested.

☐ Yes ☐ No

* Required Question

From: Julie Pham < jhpham@scscourt.org> Sent: Monday, July 18, 2022 3:14 PM

Cc: Scscourt Recruitment < recruitment@scscourt.org >
Subject: Santa Clara Superior Court - Court Reporter Posting

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department. I received your contact from my colleague who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham

From:

Maggie Ortiz

To:

Julie Pham

Subject: Date: Re: Santa Clara Superior Court - Court Reporter Posting

Monday, July 18, 2022 4:22:00 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi, Julie.

I will send the posting to my instructors to have them post it in their summer course learning platforms where students regularly check for information. I'll also ask them to mention the posting in their classes.

Thank you for sending this to me.

Best regards,

Maggie

Margaret Ortiz Program Coordinator Court Reporting and Related Technologies

School of Continuing Education/School of Professional Studies West Valley College 14000 Fruitvale Avenue Saratoga, CA 95070

(408) 741-2559 office (408) 318-4158 cell margaret.ortiz@wvm.edu

From: Julie Pham <jhpham@scscourt.org> Sent: Monday, July 18, 2022 3:13 PM

Cc: Scscourt Recruitment < recruitment@scscourt.org>

Subject: Santa Clara Superior Court - Court Reporter Posting

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department. I received your contact from my colleague who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham

From: Julie Pham

Sent: Monday, July 18, 2022 3:14 PM

Cc: Scscourt Recruitment

Subject: Santa Clara Superior Court - Court Reporter Posting

Attachments: Court Reporter Job Bulletin - Continuous.pdf

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department. I received your contact from my colleague who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham

From: Julie Pham

Sent: Monday, July 18, 2022 3:18 PM

To: calendar@barkley.com
Cc: Scscourt Recruitment

Subject: Barkley - Court Reporter Posting

Attachments: Court Reporter Job Bulletin - Continuous.pdf

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department.

I was wondering if you would kindly post the attached Court Reporter job posting to your job board/bulletin? We are hiring for Court Reporters.

Thank you so much and please let me know if you have any questions.

Julie Pham

From: Julie Pham

Sent: Monday, July 18, 2022 3:19 PM

To: scheduling@taltys.com
Cc: Scscourt Recruitment

Subject: Taltys - Court Reporter Posting

Attachments: Court Reporter Job Bulletin - Continuous.pdf

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department.

I was wondering if you would kindly post the attached Court Reporter job posting to your job board/bulletin? We are hiring for Court Reporters.

Thank you so much and please let me know if you have any questions.

Julie Pham

From: To: Glorie Peterson Julie Pham Scscourt Recruitment

Cc: Subject:

RE: Santa Clara Superior Court - Court Reporter Posting

Date:

Monday, July 18, 2022 3:28:27 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi Julie – We would be happy to post it. This has been forwarded to our communications team who will post it in the next 24 hours.

Gloria Peterson, IOM

Executive Director





California Court Reporters Association

1 Capitol Mall, Suite 800 Sacramento, CA 95814 t: 949.715.4682 x104

f: 916-444-7462

e: gloria peterson@cal-ccra.org

www.cal-ccra.org



From: Julie Pham <jhpham@scscourt.org> Sent: Monday, July 18, 2022 3:14 PM

Cc: Scscourt Recruitment < recruitment@scscourt.org>
Subject: Santa Clara Superior Court - Court Reporter Posting

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department. I received your contact from my colleague who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham



Advancing our profession for over 100 years.

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Students

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Legislation

Publication

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Confirmation

Dear Renee Hughes,

Thank you for your classified ad submission. Your ad will be posted on the CCRA website within 72 hours or less. Here is the information you provided. If changes are needed to your classified ad, please e-mail the CCRA office at info@cal-ccra.org.

The Superior Court of California, County of Santa Clara invites applicants to apply for the Court Reporter position.

Qualified candidates will be interviewed.

For more information and to apply please visit:

https://agency.governmentjobs.com/scscourt/default.cfm

This recruitment is open until filled.

Additional:

Quick Links

Renew Membership

My Member Profile

Find a Captioner

CCRA Connect Newsletter

Find a Court Reporting Firm

Donate to PACCRA

Ask A Reporter

What's Happening Locally

Online Continuing Education

Ethics First

Join Our E-mail List!

From: Julie Pham

Sent: Monday, July 18, 2022 3:31 PM To: ncollias@southcoastcollege.edu

Subject: South Coast College - Court Reporter Posting
Attachments: Court Reporter Job Bulletin - Continuous.pdf

Hi Nancy,

Thank you so much for taking my call, I really appreciate it.

Attached is the Court Reporter Job Bulletin. If you can kindly post and distribute to students that would be great. Like you said, you never know if they want to move up to the Bay Area! And if so, the Santa Clara County Superior Court is hiring for Court Reporters.

Please feel free to let me know if you have any questions.

Thank you,

Julie Pham

From: Julie Pham

Sent: Monday, July 18, 2022 3:30 PM
To: ncolliase@southcoastcollege.edu

Subject: South Coast College - Court Reporter Posting
Attachments: Court Reporter Job Bulletin - Continuous.pdf

Hi Nancy,

Thank you so much for taking my call, I really appreciate it.

Attached is the Court Reporter Job Bulletin. If you can kindly post and distribute to students that would be great. Like you said, you never know if they want to move up to the Bay Area! And if so, the Santa Clara County Superior Court is hiring for Court Reporters.

Please feel free to let me know if you have any questions.

Thank you,

Julie Pham







In This Section >



Hims/Jubs

Jobs

Certified Court Reporter - County of Santa Clara

Superior Court County of Santa Clara

Date Posted : Jul. 20, 2022

Date Closed:

Salary

- . \$46.43 \$56.44 Hourly
 - \$3,714.76 \$4,515.08 Biweekly
- * \$8,048.66 \$9,782.68 Monthly
- \$96.583.86 \$117,392.18 Annually

Definition description

Under direction, this specialized classification stenographically records and maintains an officialrecord of court proceedings, reads notes as requested, prepares transcripts, and performs otherrelated duties as equired.

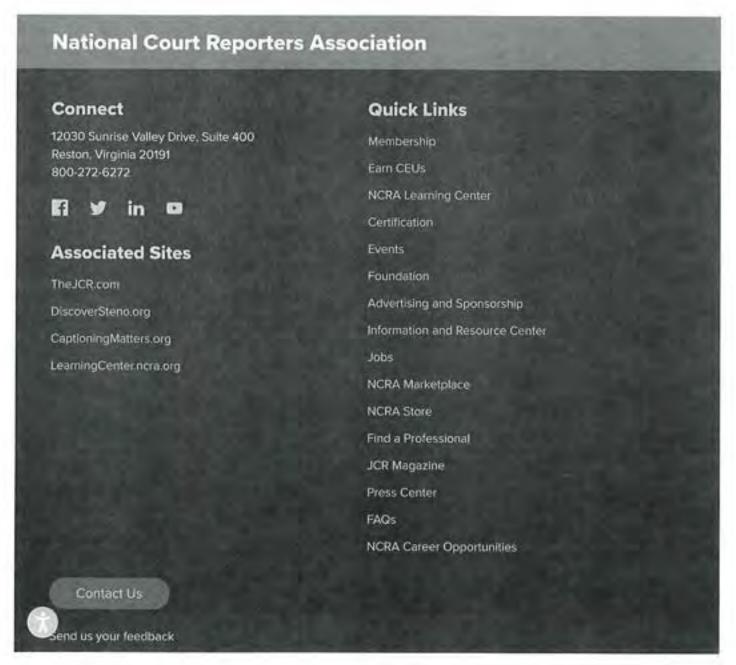
Incumbents in this classification are responsible for making verbatim official records of courtproceedings in machine shorthand and providing read back of all or portions of the record upon request.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Courtadministered Realtime certification test shall receive a 5% pay differential

Learn more and apply

Job Types: Court Reporter, Officialship

Job Locations : California



From: Julie Pham.

Sent: Monday, July 18, 2022 3:33 PM

To: Gloria Peterson
Cc: Scscourt Recruitment

Subject: RE: Santa Clara Superior Court - Court Reporter Posting

Thank you so much!

Julie Pham

Confidential Support Tech II

Human Resources Division

Superior Court of CA, County of Santa Clara

Phone: (408) 882-2725 Fax: (408) 882-2796

From: Gloria Peterson < GPeterson@amgroup.us>

Sent: Monday, July 18, 2022 3:28 PM To: Julie Pham <jhpham@scscourt.org>

Cc: Scscourt Recruitment <recruitment@scscourt.org>

Subject: RE: Santa Clara Superior Court - Court Reporter Posting

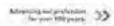
[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi Julie – We would be happy to post it. This has been forwarded to our communications team who will post it in the next 24 hours.

Gloria Peterson, IOM

Executive Director





California Court Reporters Association

1 Capitol Mall, Suite 800 Sacramento, CA 95814 t: 949.715.4682 x104

f: 916-444-7462

e: gloria.peterson@cal-ccra.org

www.cal-ccra.org



From:

Nancy Collies

To:

Julie Phich

Subject:

Re: South Coast College - Court Reporter Posting

Date:

Monday, July 18, 2022 4:13:20 PM

Attachments: <u>Outlook-3ic3selo.ong</u>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Received, thank you. You're so welcome!

Nancy Collias

Artmissions Representative

South Coast College

714-867-5009 ncdlias@southooastcollege.com



From: Julie Pham <jhpham@scscourt.org> Sent: Monday, July 18, 2022 3:31 PM

To: Nancy Collias < ncollias@southcoastcollege.edu>
Subject: South Coast College - Court Reporter Posting

Hi Nancy,

Thank you so much for taking my call, I really appreciate it.

Attached is the Court Reporter Job Bulletin. If you can kindly post and distribute to students that would be great. Like you said, you never know if they want to move up to the Bay Area! And If so, the Santa Clara County Superior Court is hiring for Court Reporters.

Please feel free to let me know if you have any questions.

Thank you,

Julie Pham

Confidential Support Tech II

From: Stephanie F Stubbs
To: Julie Pham

Cc: Scscourt Recruitment; Christine N Leung

 Subject:
 Re: Court Reporter Posting

 Date:
 Monday, July 18, 2022 4:18:45 PM

 Attachments:
 Court Reporter Job Bulletin - Continuous odf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Julie,

Will do!!

FYI, I'm including our new department head, Christine Leung, in this email. She's replacing me as the head. I'll be continuing as a speed-building instructor now.

Stephanie Fox Stubbs, CSR #4640 Department of Court Reporting, instructor College of Marin Indian Valley Campus

On Jul 18, 2022, at 3:02 PM, Julie Pham < jhpham@scscourt.org> wrote:

Hi Stephanie,

My name is Julie and work for the Superior Court of CA, County of Santa Clara HR department. I received your contact from my colleague Renee Hughes who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham

From:

Sharvin Maisuria

To:

Julie Pham

Subject:

Re: Santa Clara Superior Court - Court Reporter Posting

Date: Tuesday, July 19, 2022 9:02:21 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi,

Absolutely! Thank you for sending this our way and please keep us informed if any additional opportunities come up.

On Mon, Jul 18, 2022 at 5:13 PM Julie Pham < jhpham@scscourt.org > wrote:

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department. I received your contact from my colleague who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham

Confidential Support Tech II

Human Resources Division

Superior Court of CA, County of Santa Clara

Phone: (408) 882-2725 Fax: (408) 882-2796

From: Web Works
To: Julie Pham

Cc: Scscourt Recruitment; Web Works

Subject: RE: Santa Clara Superior Court - Court Reporter Posting

Date: Wednesday, July 20, 2022 8:12:19 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Good day,

Thank you for your job listing submission for placement on the NCRA.org/Jobs website.

This is the direct link to your job listing https://www.ncra.org/detail-pages/job-details-page/certified-court-reporter---county-of-santa-clara.

We have posted the position for 90 days and it will auto expire on October 20, 2022

(midnight ET).

NOTE

For future NEW Officialship job positions, please submit using our web form at this link https://www.ncra.org/home/forms/officialships-form-submission, which is also accessible from our <u>Classifieds</u> page.

For changes or to extend the posting period for this submission, please email webworks@ncra.org.

FYI: We normally only include a brief summary of the job listing on the NCRA job site, and then link to the full job description on your website.

If you would like to provide a the web address to the PDF version or description of the job on your site, please send it to webworks@ncra.org.

Currently the link provided under "Learn more and apply", sends the user to your main site and they may have difficulty navigating to the exact job listing.

Regards,

NCRA Web Communications Team National Court Reporters Association 12030 Sunrise Valley Drive, Suite 400 Reston VA 20191 NCRA.org

From: Julie Pham <jhpham@scscourt.org> Sent: Monday, July 18, 2022 6:14 PM

Cc: Scscourt Recruitment < recruitment@scscourt.org>

Subject: Santa Clara Superior Court - Court Reporter Posting

Hello,

My name is Julie Pham and work for the Superior Court of California, County of Santa Clara HR department. I received your contact from my colleague who has previously emailed you about the Court Reporter job posting.

Would you kindly repost the attached job bulletin to your job board and confirm that it's been reposted?

Thank you so much and please let me know if you have any questions.

Julie Pham



Court Reporter

Superior Court of California, County of Santa Clara San Jose, CA, USA

- (3 595,583,86 to \$117,392,18 Annually
- . Dental, Life, Medical, Vision
- in Full-Time

Superior Court of California, County of Santa Clara invites applications for the position of; Certified Court Reporter - Open Until Filled.

APPLICATIONS MAY BE FILED ONLINE AT: https://www.governmentjobs.com/careers/scscourt.

DEFINITION/DESCRIPTION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

This recruitment will also lead to establishing an eligibility list for Extra Help, Limited Term, and Part-Time opportunities at the court.

Limited Term - Individual is hired for a specific term subject to an extension at the end of the term at the Court's discretion.

Extra Help - Positions are used by the Court to handle peak workload and vacancies. These positions are not eligible for most Court benefits - please review the benefits tab for more information.

- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR,CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential

The Court offers a substantial benefits package to include a choice of health plan, dental plan, avision plan, 13 paid holidays, 3 weeks of vacation, 4 days of personal leave, a day off on your birthday, sick leave, and option for employer-paid deferred compensation. Our Court offers Health insurance plans currently through Kaiser, HealthNet and Valley HealthPlan. The Court

currently fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition the Court fully covers the premium for dental and vision insurance.

TYPICAL TASKS/REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- · Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed:
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim.

record, pursuant to California Hules of Court, Hule 810;

- · Maintains a variety of paper and electronic files;
- · Performs other related duties as required.

EMPLOYMENT STANDARDS/TYPICAL QUALIFICATIONS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, or theDeposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of courtproceedings. A California Driver's license may be required. Employees in this classification maybe required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology requiredfor court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- · Establish and maintain working relationships with judges, court staff, attorneys, and the public:
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- · Ability to work alone and independently as well as working closely with others is required.

SUPPLEMENTAL INFORMATION:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, furnes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

- Specific tasks and duties may vary between assignments, however, the following are considered
 essential functions expected of the Court Reporter classification:
- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- · Read back court proceedings in a clear concise manner in a courtroom or other setting:

28 28 90 52 30 596

Physical Demands:

- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- · Occasional lifting, pushing, carrying of objects up to 15 pounds:

- · Requires walking, some bending, stooping, and squatting;
- · Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.
- Please note: The Superior Court is establishing an eligibility list from this recruitment which may be used to fill both temporary and permanent vacancies. Please mark your interest clearly on your employment or both.

Application Requirements:

- This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- APPLICATIONS MAY BE FILED ONLINE AT: https://www.governmentjobs.com/careers/scscourt
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The court is an equal opportunity employer. All applicants will be considered for employment without attention to race, color, religion, sex, sexual orientation, gender identity, national origin, and veteran or disability status. The Court provides reasonable accommodations for applicants challenged with disabilities. If you are challenged with a disability as defined by the Federal Americans with Disabilities. Act or the California Fair Employment and Housing Act and will be requesting an accommodation in the application process, please contact Renee Hughes or PamMcGee at rhughes@scscourt.org or pmcgee@scscourt.org or (408) 882-2703 to discuss your request. TDD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 Immigration Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at (408) 882-2747.

BENEFITS:

The Court offered benefits package includes a choice of health, dental and vision plan, membership in the California Public Employees Retirement System (CalPERS) as permitted bylaw, life insurance, paid holidays, vacation, and sick leave.

APPLICATIONS MAY BE FILED ONLINE AT: https://www.governmentjobs.com/careers/scscourt

Report Job

Company website: https://www.scscourt.org/

Company address: 191 N First St. San Jose, CA 95113

Posted date: just now

View all Jobs at Superior Court of California, County of Santa Clara



Court Reporter

Superior Court of California, County of Santa Clara San Jose, CA, USA

- @ \$115,128 to \$133,272 Annually
- 4 Dental, Life, Medical, Vision
- in Full-Time

Superior Court of California, County of Santa Clara invites applications for the position of: Certified Court Reporter

APPLICATIONS MAY BE FILED ONLINE AT: https://www.governmentjobs.com/careers/scscourt

New Hires will receive \$7500 SIGNING BONUS*

SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps. Progression from a step is after completing a year of service in the current step.

The current contract dated October 1, 2022 through September 30, 2025 has the below negotiated salary increases which will be implemented as follows:

- 2023: Effective the first full pay period in October 2023, all unit members shall receive a five percent (5.0%) increase in salary.
- 2024: Effective the first full pay period in October 2024, all unit members shall receive a four percent (4.0%) increase in salary.

Superior Court of California, County of Santa Clara is the 7th largest unified trial court in California. Its 77

Judicial Officers work in one of the 7 Courthouses within the County and are supported by close to 600 full-time

Court employees.

COURT REPORTERS are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

Applications may be submitted for Full Time, Part Time and Extra Help** opportunities.

Typical Tasks/Representative Duties:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
- · Provides immediate read back of all or portions of the record upon request;
- · Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed.
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim

- · Maintains a variety of paper and electronic files;
- · Performs other related duties as required.

Employment Standards/Typical Qualifications:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required.

- Realtime reporting is highly desirable. In order to receive the differential, incumbents must be Realtimecertified by either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed a Realtime test administered by the Court.
- Incumbents provide and maintain the necessary equipment for the transcription of court proceedings.

Employees will be eligible for reimbursements up to \$2000 from the Court for limited equipment.

A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
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Ability To:

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- Ability to converse and respond appropriately to inquiries and requests:
- · Ability to work alone and independently as well as working closely with others is required.

Supplemental Information:

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, furnes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:

Frequent and ongoing use of stenographic equipment to record verbatim proceedings;

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· Frequent and ongoing use of electronic equipment to produce transcripts and other documents;

- Read back court proceedings in a clear concise manner in a courtroom or other setting;
 Physical Demands;
- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- · Occasional lifting, pushing, carrying of objects up to 15 pounds;
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Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.
- Please note: The Superior Court is establishing an eligibility list from this recruitment which may be used to fill both temporary and permanent vacancies. Please mark your interest clearly on your employment application as to your desire for temporary or permanent employment or both.

Application Requirements:

- This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs
 Certified Shorthand Reporters Board must also be submitted as an attachment to this application
 submission.

The Court is an equal opportunity employer. All applicants will be considered for employment without attention to race, color, religion, sex, sexual orientation, gender identity, national origin, and veteran or disability status. The Court provides reasonable accommodations for applicants challenged with disabilities. If you are challenged with a disability as defined by the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act and will be requesting an accommodation in the application process, please contact Renee Hughes or Pam McGee at rhughes@scscourt.org or pmcgee@scscourt.org or (408) 882-2703 to discuss your request. TDD communication is available by calling (408) 882-2787.

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 Immigration Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at (408) 882-2747.

BENEFITS:

The Superior Court offers an excellent benefit package, summarized as follows:

- CalPERs Retirement Plan: Specific benefit formula determined per California Public Employees Retirement System regulations.
- Health Benefits: The Court offers health insurance plans currently through Kaiser, HealthNet, and Valley Health Plan. The Court currently fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition, the Court fully covers the premium for dental and vision insurance.
- Holidays and Leave Benefits: Employees in these positions will be entitled to 14 paid holidays, 16 days of vacation earned during the first year of service, 4 days of personal leave, a day off on their birthday, and sick leave accrued at the rate of 100 hours per year,
- Longevity Pay: After completing 2,611 days of continuous service, the Court provides \$50 per pay period as a longevity payment.

- · Deferred compensation plans: Employees will have access to deferred compensation plans.
- Realtime/CART Court Reporting Certification Differential
- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential.

Benefits are prorated for Part-Time employees and Extra Help are eligible for limited benefits. Please reach out to the HR representative for more information.

Report Job

Company website: https://www.scscourt.org/

Posted date: 14 days ago

View all Jobs at Superior Court of California, County of Santa Clara

Your privacy is our priority. Learn more: Do Not Sell My Personal Information

Privacy Policy California Privacy Notice Terms of Use Attribution Notices Corporate Responsibility

From: Julie Pham

Sent: Wednesday, September 21, 2022 2:39 PM

To: Richardson, Sean@DOR

Cc: Sulakshna Chauhan; Ivory Rachal

Subject: SCCSC Current Job Openings - Sept 2022

Attachments: Court Reporter Job Description - Continuous.pdf; Court Interpreter.pdf; Family Court

Services Manager Job Bulletin 9-25-22.pdf; Janitor Job Bulletin 9-16-22.pdf; MHHO (Attorney Mediator) Extra Help Job Description Continuous.pdf; Staff Attorney Job

Bulletin 10-4-22.pdf; Legal Process Clerk II-III Job Bulletin 9-21-22.pdf

Hi Sean,

Please see the attached job bulletins for the court's current job openings. You can also share our employment website: https://www.governmentjobs.com/careers/scscourt. This will be updated when current recruitments close and when new ones are posted.

Thank you,

Julie Pham

From:

Julie Pham

Sent:

Friday, October 28, 2022 12:11 PM

To:

sjordan@ncsc.org

Cc:

Renee A. Hughes; Pam McGee; Ivory Rachal

Subject:

Job Announcement NCSC - Legal Research Attorney - Santa Clara

Attachments:

Court Reporter Job Description Updated 10-27-22 Continuous.pdf; Legal Research

Attorney Job Description.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

Legal Research Attorney - Filing deadline: 11/18/2022

Court Reporter - Continuous until filled

Thank you,

Julie Pham

From: Julie Pham
To: stondard@ncsc.org

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement NCSC - Legal Research Attorney - Santa Clara

Date: Friday, October 28, 2022 12:11:00 PM

Attachments: Court Reporter Job Description Updated 10-27-22 Continuous.pdf

Legal Research Attorney Job Description.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

Legal Research Attorney - Filing deadline: 11/18/2022

Court Reporter - Continuous until filled

Thank you,

Julie Pham

From:

Julie Pham

To:

Wolgamott, Taylor

Cc:

Renee A. Hughes: Parn McGee: Ivory Rachal

Subject:

Job Announcement JCC - Legal Research Attorney - Santa Clara

Date: Attachments: Friday, October 28, 2022 12:11:00 PM Legal Research Attorney Job Description.pdf

Court Reporter Job Description Updated 10-27-22 Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

Legal Research Attorney - Filing deadline: 11/18/2022

Court Reporter - Continuous until filled

Thank you,

Julie Pham

From: Julie Pharm

To: Richardson, Sean@DOR

Cc: Renee A. Hughes: Pam McGee: Ivory Rachal

Subject: Job Announcement DOR - Legal Research Attorney - Santa Clara

Date: Friday, October 28, 2022 12:10:00 PM
Attachments: Legal Research Attorney Job Description.pdf

Court Reporter Job Description Updated 10-27-22 Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

Legal Research Attorney - Filing deadline: 11/18/2022

Court Reporter - Continuous until filled

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division

Superior Court of CA, County of Santa Clara Phone: (408) 882-2725 Fax: (408) 882-2796

From:

Julie Pham

Sent:

Friday, October 28, 2022 12:12 PM

To:

Wolgamott, Taylor

Cc:

Renee A. Hughes; Pam McGee; Ivory Rachal

Subject:

Attachments:

Job Announcement JCC - Legal Research Attorney - Santa Clara

Legal Research Attorney Job Description.pdf; Court Reporter Job Description Updated

10-27-22 Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

Legal Research Attorney - Filing deadline: 11/18/2022

Court Reporter - Continuous until filled

Thank you,

Julie Pham

From: Julie Pham

Sent: Tuesday, January 17, 2023 12:29 PM

To: Vilma Zeta

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: FW Job Announcement CCRA - Certified Court Reporter - Santa Clara

FYI - See below. CR will be posted on CCRA's website.

Julie Pham

Confidential Support Tech II Human Resources Divition Superior Court of CA, County of Santa Dara Phone (408) 882-2725 Fax: (408) 882-2796

From: Scscourt Recruitment <recruitment@scscourt.org>

Sent: Friday, January 13, 2023 2:28 PM

To: anne.mullinax@cal-ccra.org; info@cal-ccra.org
Cc: Scscourt Recruitment < recruitment@scscourt.org>

Subject: RE: Job Announcement CCRA - Certified Court Reporter - Santa Clara

Thank you, Anne.

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of CA, County of Santa Clara Phone: (408) 882-2725 Fax: (408) 882-2795

From: anne,mullinax@cal-ccra.org <anne.mullinax@cal-ccra.org>

Sent: Friday, January 13, 2023 1:46 PM

To: Julie Pham < hpham@scscourt.org>; info@cal-ccta.org

Cc: Scscourt Recruitment < recruitment@scscourt.org>

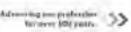
Subject: RE: Job Announcement CCRA - Certified Court Reporter - Santa Clara

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Thank you. We will get this on the CCRA website.

Arme Mullinex Deputy Executive Director





California Court Reporters Association

1 Capitol Mail, Suite 800 Sacramento, CA 95814 t: 949.715.4682

f: 916-444-7462



From: Julie Pham < jhpham@scscourt.org> Sent: Friday, January 13, 2023 1:42 PM

To: info@cal-ccra.org

Cc: Scscourt Recruitment < recruitment@scscourt.org>

Subject: Job Announcement CCRA - Certified Court Reporter - Santa Clara

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

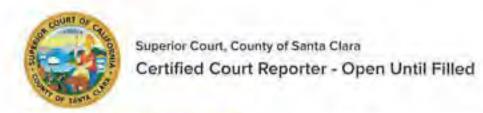
Certified Court Reporter

Qualified candidates will be interviewed. For more information and to apply please visit: https://www.governmentjobs.com/careers/scscourt

This recruitment is open until filled.

Thank you,

Julie Pham



SALARY \$58.12 - \$67.28 Hourly

LOCATION

County of Sante Clare, CA

\$4,649.38 - \$5,382.15 Biweekly

\$10,073,67 - \$11,661 33 Monthly

\$120,884.00 - \$139,936.00 Annually

JOB TYPE Full Time

JOB NUMBER

21/2200 JUL

DEPARTMENT

Court Services

OPENING DATE

1/05/2021

CLOSING DATE Continuous

Definition/Description

New Hires will receive \$7500 SIGNING BONUS'

SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps.

Progression from a step is after completing a year of service in the current step.

The current contract dated October 1, 2022 through September 30, 2025 has the below negotiated salary increases which will be implemented as follows:

- 2023 Effective the first full pay period in October 2023, all unit members shall receive a five percent (5.0%) increasive in salary.
- 2024: Effective the first full pay period in October 2024, all unit members shall receive a four percent (4.0%) increase in salary.

"Upon him, a sign-on bonus of \$2500 shall be offered to all new bargaming unit employees. In be paid out as follows: \$4,000 upon beginning work for the Court. \$2,000 at the first anniversary of employment, and \$1,500 at the second armiversary of employment.

DEFINITION/DESCRIPTION:

Superior Court of California, County of Santa Clare is the 7th largest unified trial court in California. Its 77 Judicial Officers work in one of the 7 Counthouses within the County and are supported by clase to 600 full-time Court employees.

COURT REPORTERS are responsible for making verbalim official records of court proceedings in machine stratthand and providing read back of all or portions of the record upon request.

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as requested.

Applications may be submitted for Full Time, Part Time and Extra Help" opportunities.

"Extra Holp: Positions that are used by the Court to handle peak workland and vacancies. These positions are not eligible for most Court benefits.

Typical Tasks/Representative Duties

 Attends court sessions as assigned and makes verbation stempgraphic records of the proceedings, often of a suchrical nature and at a high rate of speed;

- Provides immediate read back of all or portions of the record upon request;
- · Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed:
- Qualified incumbents may process court information/proceedings by use of realtime technology.
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- Maintains a variety of paper and electronic files;
- · Performs other related duties as required.

Employment Standards/Typical Qualifications

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required.

- Realtime reporting is highly desirable. In order to receive the differential, incumbents must be Realtime-certified by
 either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed
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Knowledge Of:

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Supplemental Information

Working Conditions:

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Essential Functions:

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- Health Benefits: The Court offers health insurance plans currently through Kaiser, HealthNet, and Vallay Health Plan.
 The Court currently fully pays for medical coverage for employee and dependents when selecting Kaiser in additions the Court fully covers the premium for dental and vision insurance.
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 the rate of 100 hours per year.
- Longavity Pay: After completing 2 611 days of continuous service, the Court provides \$50 per pay period as a longevity payment.
- Defened compensation plans: Employees will have access to defened compensation plans.
- Resttime/CART Court Reporting Certification Differential
- Court Reporters who hold a state or national Resistine certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential
- Court Reporters who have successfully completed the Court administered Realitims cartification test shall receive a 5% pay differential.

Benefits are provided for Part-Time employees and Extra Help are eligible for limited benefits. Please reach out to the HR representative for more information.

Agency

Superior Court, County of Santa Clinic

Address

Superior Court of CA

County of Santa Claris, California, 95173

Website

Http://www.scucourt.org

| QUESTION 1 | |
|--|--|
| understand that for my application to be considered, I must complete required supplemental questionnaires as particle application screening and selection process. The information I provide will be reviewed and used to determine religibility to move forward in the selection process. Incomplete responses, false statements, omissions, or partial information may result in disqualification from the selection process. Yes No | |
| QUESTION 2 | |
| understand that for my application to be considered, I must thoroughly complete the work experience and education contions of the application form, as well as provide a resume as an attachment, to demonstrate my qualifications for ob. Yes No | |
| QUESTION 3 | |
| Authorization and Release. I have applied for employment with the Superior Court of California, County of Santa Cla "Court") and have provided information about my current and/or previous employment. I authorize the Court to nvestigate all statements made in my application for employment and to obtain any and all information concerning | |

former/current employment. This includes my job performance appraisals/evaluations, wage history, disciplinary action(s) if any, and all other matters pertaining to my employment history. I authorize my former and current employers and references to release contents of my employment record with their organizations and to provide any additional information that may be necessary for my application for employment with the Court, whether the information is positive or negative. I hereby release all such agencies and/or individuals who furnish such information, and the Court, from

liability for damages, which may result from furnishing or receiving the information requested.

Yes

No

* Required Question

From: Julie Pham

Sent: Wednesday, April 12, 2023 3:31 PM

Cc: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Wednesday, April 12, 2023 3:30 PM

Cc: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Wednesday, April 12, 2023 4:33 PM

Cc: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Monday, April 24, 2023 2:37 PM

To: 'amgonzalez@dusd.net'

Subject: Job Announcement - Court Reporter - Santa Clara Superior Court

Attachments: Job Bulletin - Court Reporter.pdf

Hi Amalia,

Thank you so much for taking the time to speak with me today. I really appreciate it. Attached is the job bulletin for Court Reporter with Santa Clara Superior Court.

Please kindly post/circulate to your job board.

Thank you,

Julie Pham



DISCOVER SANTA CLARA COUNTY

Where nature meets innovation!

JOURNEY INTO SILICON VALLEY

Are you ready for an extraordinary journey to the heart of innovation and natural beauty? Look no further than captivating Santa Clara County, also known as the thriving "Silicon Valley." Here, you'll experience an unparalleled blend of stunning landscapes, economic diversity, and endless opportunities for both work and play.

Join the

SUPERIOR COURT OF CALIFORNIA. COUNTY OF SANTA CLARA



A HUB OF PROSPERITY

Embrace a vibrant lifestyle in a region that powers innovation. Santa Clara County boasts a booming jab contributing over a quarter of all Bay Area jobs. The opportunities are as boundless as the stunning landscapes. Here, diversity thrives tapestry backgrounds cultures paints the county's

A NATURAL PARADISE

Nestled at the southern edge of the San Francisco Bay, Santa Clara County spans 1,312 square miles of natural splendor. The breathtaking Santa Clara Valley stretches across the county, flanked by the majestic Diablo Range to the east and the enchanting Santa Cruz Mountains to the west.

EDUCATION FOR ALL AGES

Immerse yourself in an intellectual haven through various prominent universities. The Santa County Office of Education serves. inspires, and promotes success in both students and public schools. With a dedication to lifelong learning, SCCOE ensures that the spirit of education continues to flourish throughout the county, empowering individuals of all ages to pursue knowledge and growth.

YOUR FUTURE AWAITS

Santa Clara County Invites you to not only build a fulfilling career but also create memories that will last a lifetime. Experience the harmony of innovation and nature in a place where dreams come to life.

Choose a career with the Court. and be part of an esteemed tradition that continues to evolve and make a difference. Join us in the pursuit of justice, fairness, and service.



Where living, working, and exploring are truly exceptional!

www.scscourt.org/jobs

For more information and resources, visit:



www.sccgov.org



www.visitsiliconvalley.org



Choose a career with the SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA,

and be part of an esteemed tradition that continues to evolve and make a difference.

Join us in the pursuit of justice, fairness, and service.

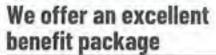




SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA

JOIN OUR TEAM AS A COURT REPORTER

COURT REPORTERS record and maintain an official record of court proceedings, provide read back as requested and prepare transcripts. Certification as Certified Shorthand Reporter (whether by stenography or voice writing) by the California Court Reporter Board is required.



- CalPERs Retirement Plan
- · Health & Insurance Benefits
- 14 Paid Holidays + Sick, Vacation and Personal Leave Benefits
- · Longevity Pay
- Eligibility for reimbursements up to \$2000 from the Court for limited transcription equipment
- · Deferred Compensation Plan
- · One Administrative Day per month
- Realtime/CART Court Reporting Certification
 Differential
- Court Reporters who hold a state or national Realtime certification (CRR, CRP, CCRR, CRG, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court-administered Realtime certification test shall receive a 5% pay differential.

Our Salary

\$115,128 - \$133,272 Annually*

2023: 5% increase 2024: 4% increase

*Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps. Progression from a step is after completing a year of service in the current step.

\$7500 SIGNING BONUS**

*\$4,000: UPON BEGINNING WORK \$2,000: AT THE FIRST ANNIVERSARY OF EMPLOYMENT \$1,500: AT THE SECOND ANNIVERSARY OF EMPLOYMENT

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA COURT REPORTER

DEFINITION:

Under direction, this specialized classification records, by stenography or voice recording, and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

Incumbents in this classification are responsible for making verbatim official records of court proceedings in machine shorthand or voice recording and providing read back of all or portions of the record upon request.

REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim records of the proceedings, by stenography or voice recording, often of a technical nature and at a high rate of speed;
- · Provides immediate read back of all or portions of the record upon request;
- Prepares printed or magnetic media transcripts of court proceedings;
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- · Maintains a variety of paper and electronic files;
- · Performs other related duties as required.

EMPLOYMENT STANDARDS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required. Realtime reporting is highly desirable. In order to receive the differential, incumbents must be realtime-certified by either the National Court Reporters Association, the National Verbatim Reporter Association, or the Deposition Reporters Association, or have successfully passed a realtime test administered by the Court. Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling; transcript production procedures and practices; office procedures and practices;
- Office management principles, methods, and procedures;

Superior Court of California, County of Santa Clara

Job Code: FO1 UMC: 205a

December 9, 2022

Page 1 of 2

Court procedures and protocol.

Ability to:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- · Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

WORKING CONDITIONS:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

ESSENTIAL FUNCTIONS:

Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:

- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- Read back court proceedings in a clear concise manner in a courtroom or other setting;

PHYSICAL DEMANDS:

- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- · Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting;
- Continuous need for verbal comprehension and retention.

Superior Court of California, County of Santa Clara

Job Code: FO1 UMC: 205a

December 9, 2022

From:

Julie Pham

Sent:

Friday, February 16, 2024 2:23 PM

To:

Scscourt Recruitment

Subject:

Job Announcement - Court Reporter - Santa Clara

Attachments:

Job Bulletin - Court Reporter 2-16-24.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter

Please kindly post/circulate to your job board.

Thank you,

Julie Pham



Menu



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Jobs

Certified Court Reporter - Superior Court of California, County of Santa Clara

Santa Clara County, CA

Date Posted: Feb. 22, 2024

Date Closed:

The Superior Court of California, County of Santa Clara, is currently accepting applications for Court Reporters. Court Reporters are responsible for making verbatim official records of court proceedings in machine shorthand and roviding read back of all or portions of the record upon request. Under

1/4

Foundation

NCRA Marketplace

Jab Board

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JCR Magazine

Press Center

General FAQs

Careers at NCRA

Associated Sites

The JCR.com

DiscoverSteno.org

CaptioningMatters.org

LearningCenternora.org

Contact Us

Send us your feedback

NCRA Payment Policy



Superior Court, County of Santa Clara

Certified Court Reporter - Open Until Filled

\$60.44 - \$69.97 Hourly

LOCATION

County of Senta Clera, CA

\$4,835.35 - \$5,597.42 Biweekly

\$10,476,58 - \$12,127,75 Monthly

\$125.719.00 - \$145.533.00 Annually

JOB TYPE Full Time

JOB NUMBER

21/2200JUL

DEPARTMENT

Court Services

OPENING DATE

10/05/2023

CLOSING DATE

Continuous

Definition/Description

'New Hires will receive \$7500 SIGNING BONUS'

SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allhosted into four (4) steps.

Progression from a step is after completing a year of service in the current step.

*Upon hire, a sign-on bonus of \$7.500 shall be allowed to all new bergaining unit employees, to be paid out as follows: \$4,000 upon beginning work for the Court; \$2,000 at the first anniversary of employment, and \$1,500 at the second anniversary of employment.

DEFINITION/DESCRIPTION:

COURT REPORTERS are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request.

Under direction, this specialized classification stanographically records and maintains an official record of court proceedings, rends notes as requested, prepares transcripts, and performs other related duties as required.

Applications may be submitted for Full Time, Part Time and Extra Help* opportunities.

"Extra Help Positions that are used by the Court to handle peek workload and vacancies. These positions are not eligible for most Court benefits.

Typical Tasks/Representative Duties

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed.
- Provides immediate read back of all or portions of the record upon request.
- Prepares printed or magnetic media transcripts of court proceedings.
- . Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed;
- Qualified incumbents may process court information/proceedings by use of realtime technology,
- Incombents provide, at own expense, all necessary equipment and materials to produce the verbatim record, pursuant to California Rules of Court, Rule 810;
- Maintains a variety of paper and electronic files;
 - · Performs other related duties as required

Employment Standards/Typical Qualifications

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required.

- Realtime reporting is highly desirable. In order to receive the differential, incumbents must be Realtime-certified by
 either the National Court Reporters Association, or the Deposition Reporters Association, or have successfully passed
 a Realtime test administered by the Court.
- Incumbents provide and maintain the necessary equipment for the transcription of court proceedings.

Employees will be eligible for reimbursements up to \$2000 from the Court for limited equipment.

A California Driver's license may be required. Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge Of:

- Legal terminology; basic medical and other specialized and technical terminology required for court proceedings and protocol;
- English usage, grammar, punctuation, and spelling, transcript production procedures and practices, office procedures and practices;
- · Office management principles, methods, and procedures;
- · Court procedures and protocol.

Ability To:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy;
- Plan and organize work to meet deadlines;
- Establish and meintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language;
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

Supplemental Information

Working Conditions:

The work environment is generally clean, inside buildings, with limited exposure to dust, fumes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

Essential Functions:

Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:

- Frequent and ongoing use of stenographic equipment to record verbatim proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents;
- · Read back court proceedings in a clear concise manner in a courtroom or other setting;

Physical Demands:

- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis;
- Occasional lifting, pushing, carrying of objects up to 15 pounds;
- Requires walking, some bending, stooping, and squatting;
- · Continuous need for verbal comprehension and retention.

Examination:

- A screening panel will be convened to select those applicants deemed most qualified to participate in a written and/or oral examination.
- The examination process will include one or more of the following: application appraisal; written examination; oral examination.

Please note: The Superior Court is establishing an eligibility list from this recruitment which may be used to fill both temporary and permanent vacancies. Please mark your interest clearly on your employment application as to your desire for temporary or permanent employment or both.

Application Requirements:

- This recruitment requires the submission of an on-line application. No paper applications will be accepted.
- An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

The Court is an equal apportunity employee. All applicants will be considered for employment without attention to race, color, religion, sex, sexual orientation, gender identity, national origin, and veteran or disability status. The Court provides reasonable accommodations for applicants challenged with disabilities. If you are challenged with a disability as defined by the Federal Americans with Disabilities Act on the California Fair Employment and Housing Act and will be requested an accommodation in the application process, please contact Renee Hughes or Pain McGee at <u>rhade-so-secourt are or process, please contact Renee Hughes or Pain McGee at rhade-so-secourt are or process, please contact Renee Hughes or Pain McGee at rhade-so-secourt are or process, please contact Renee Hughes or Pain McGee at rhade-so-secourt are or process. TDD communication is available by calling (408) 882-2787.</u>

The Court must verify the identity and employment authorization of all new employees to comply with the 1986 immigration. Reform & Control Act. This verification is required only after an offer of employment has been made. For further information regarding the required verification, please contact Human Resources at (408) 882-2747.

BENEFITS:

The Superior Court offers an excellent benefit package, summarized as follows:

- CalFERS Retirement Plan: Specific benefit formula determined per California Public Employees Retirement System regulations.
- Health Benefits: The Court offers health insurance plans currently through Kaiser, HealthNet, and Valley Health Plan.
 The Court currently fully pays for medical coverage for employee and dependents when selecting Kaiser. In addition, the Court fully covers the premium for dental and vision insurance.
- Halidays and Leave Benefits: Employees in these positions will be entitled to 14 paid halidays, 16 days of vacation earned during the first year of service, 4 days of personal leave, a day off on their birthday, and sick leave occured at the rate of 100 hours per year.
- Loggesty Pay: After completing 2.511 days of continuous service, the Court provides \$50 per pay period as a longevity payment.
- . Deferred compensation plans: Employees will have access to deferred compensation plans.
- Realtime/CART Cours Reporting Certification Differential
- Court Reporters who hold a state or national Realtims certification (CRR, CRR, CRR, CRS, or FCRR) shall receive a 10% pay differential.
- Court Reporters who have successfully completed the Court administered Realtime certification test shall receive a 5% pay differential.

Benefits are prorated for Part-Time employees and Extra Help are eligible for limited benefits. Please reach out to the Hit supresentative for more information.

| Agency | Address |
|---------------------------------------|--|
| Superior Court, County of Sonta Clare | Superior Court of CA |
| | County of Santa Clara, California, 95113 |
| Website | |
| min//www.sc.scourt.org | |

Certified Court Reporter - Open Until Filled Supplemental Questionnaire

QUESTION 1

Funderstand that for my application to be considered, I must complete required supplemental questionnaires as part of the application screening and selection process. The information I provide will be reviewed and used to determine my eligibility to move forward in the selection process. Incomplete responses, false statements, omissions, or partial information may result in disqualification from the selection process.

| 0 | Yes |
|---|-----|
| 0 | No |

QUESTION 2

I understand that for my application to be considered. I must thoroughly complete the work experience and education portions of the application form, as well as provide a resume as an attachment, to demonstrate my qualifications for this

| job. | |
|-----------|---|
| OW | es es |
| O N | lo lo |
| QUE | STION 3 |
| Author | ization and Release. I have applied for employment with the Superior Court of California, County of Santa Clara |
| ("Court | ") and have provided information about my current and/or previous employment. I authorize the Court to |
| investi | gate all statements made in my application for employment and to obtain any and all information concerning my |
| former | current employment. This includes my job performance appraisals/evaluations, wage history, disciplinary |
| action(| s) if any, and all other matters pertaining to my employment history. I authorize my former and current employers |
| and ref | ferences to release contents of my employment record with their organizations and to provide any additional |
| informa | ation that may be necessary for my application for employment with the Court, whether the information is positive |
| or neg | ative. I hereby release all such agencies and/or individuals who furnish such information, and the Court, from |
| liability | for damages, which may result from furnishing or receiving the information requested. |

O Yes

O No

* Required Question

From: Julie Pham

Sent: Thursday, March 28, 2024 11:12 AM

To: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - 3-28-24.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Friday, April 12, 2024 11:59 AM

To: Grace, Sandra
Cc: Renee A. Hughes

Subject: Job Announcement JCC -Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

From: Julie Pham

Sent: Monday, May 13, 2024 2:08 PM

To: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara
Attachments: Job Bulletin - Court Reporter - Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham



ASSOUL Nove Memoritie CLST/Broadcatt Castering Entitled

Certified Court Reporter, Superior Court of Santa Clara County - Open Until Filled

Salary: \$120,684,00 - \$139,936,00 Annually

Location: County of Santa Clara, CA

Job Type: Full Time

New Hires will receive \$7500 SIGNING BONUS

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required.

Application Requirements: This recruitment requires the submission of an on-line application. No paper applications will be accepted. An electronic copy of your Resume and your Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board must also be submitted as an attachment to this application submission.

Click here to read more and apply.

(6/28/2024)

From: Julie Pham

Sent: Friday, June 28, 2024 11:01 AM

To: Grace, Sandra

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement JCC - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (6-28-24).pdf

Hi Sandra,

Happy Friday! Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

From: Scscourt Recruitment

Sent: Friday, June 28, 2024 11:16 AM

Cc: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara
Attachments: Job Bulletin - Court Reporter - Continuous (6-28-24).pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Monday, August 26, 2024 10:05 AM

To: Grace, Sandra

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement JCC - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (8-26-24).pdf

Hi Sandra,

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

From: Scannert Recruitment
Cc: Scannert Recruitment

Bec: Rener A. Hughes; info@col-cora.org: matgaret.ortic@westvalley.edu; sstubbs@matin.edu; toeredes@marin.edu; jobs@goldenstatereport.no.com; smatsuria@maccormac.edu; jobs@goldenstatereporting.com;

vicinos viscouth coast college, com: calendar@barkley.com; schedulina@catys.com; lepperson@dusd.ret;

icolon@cowayusd.com; drees@coresscollege.edu; drawestec@amail.com; travesscroft@c-vesd.org;

april,huerta@humphreys.edu

Subject: Job Announcement - Court Reporter - Santa Clara

Date: Thursday, September 26, 2024 12:18:00 PM

Attachments: Job Bulletin - Court Reporter - Continuous (9-26-24) add

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Scscourt Recruitment

Sent: Thursday, September 26, 2024 3:14 PM

Subject: Job Announcement - Court Reporter - Santa Clara
Attachments: Job Bulletin - Court Reporter - Continuous (9-26-24).pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Thursday, September 26, 2024 12:14 PM

To: Grace, Sandra

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement JCC - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (9-26-24).pdf

Hi Sandra,

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

From: Scscourt Recruitment

Sent: Thursday, September 26, 2024 12:18 PM

Cc: Scscourt Recruitment

Subject: Job Announcement - Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (9-26-24).pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Grace, Sandra

To: 3CC Trial Courts HR Contacts

Cc: Kence A. Hushes: Plan McGes: Hory Rechal, Ramerz, Composito
Subject: Job Announcement - Certified Court Recorder - Sama Clara

Date: Thursday, September 26, 2024 1:49:26 PM

Attachments: loo Bulletin - Court Reporter - Continuous (0-26-24) oil/

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Distributed on behalf of the Superior Court of California, County of Santa Clara;

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Sandra Grace, (pronouns she/her)
Associate Human Resources Analyst (recruiter)
Human Resources/Administrative Division
Judicial Council of California
455 Golden Gate Ave, San Francisco CA 94102-3688
Ph (415) 865-8944 /sandra.grace@jud.ca.gov / www.courts.ca.gov

From: Sescourt Recrustment

Bec: crasspacoff Sc-vusil.org: imprenomnowayust.com
Subject: Job Armouncement - Court Reporter - Santa Clara
Date: Thursday, September 26, 2024 3:14:00 PM
Attachments: Job Bulletin - Court Reporter - Continuous (9-26-24) pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From:

Scscourt Recruitment

Sent:

Friday, October 25, 2024 10:28 AM

Cc:

Scscourt Recruitment

Subject:

Job Announcement - Court Reporter - Santa Clara

Attachments:

Job Bulletin - Court Reporter - Continuous (10-25-24).pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter - continuous recruitment

Please kindly post/circulate to your job board.

Thank you,

Julie Pham

From: Julie Pham

Sent: Friday, October 25, 2024 10:28 AM

To: cassandra.ramirez@jud.ca.gov

Cc: Grace, Sandra; Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement JCC - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (10-25-24).pdf

Hi Cassandra,

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

From:

Julie Pham

Sent:

Wednesday, November 13, 2024 11:55 AM

To:

cassandra.ramirez@jud.ca.gov

Cc: Subject: Grace, Sandra; Renee A. Hughes; Pam McGee; Ivory Rachal Job Announcement JCC - Certified Court Reporter - Santa Clara

Subject: Attachments:

Job Bulletin - Court Reporter - Continuous (11-13-24).pdf

Hi Cassandra,

Sending an updated job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

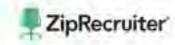
The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham



Log In



Certified Court Reporter

Superior Court of California, County of Santa Clara San Jose, CA

\$120,884 to \$139,936 Yearly Vision , Medical , Dental , Life Insurance Full-Time

Job Description

Superior Court of California, County of Santa Clara invites applications for the position of: Certified Court Reporter

APPLICATIONS MAY BE FILED ONLINE AT:

https://www.governmentjobs.com/careers/scscourt

New Hires will receive \$7500 SIGNING BONUS

SALARY INCREASES:

Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps. Progression from a step is after completing a year of service in the current step.

The current contract dated October 1, 2022 through September 30, 2025 has the below negotiated salary increases which will be implemented as follows:

2023: Effective the first full pay period in October 2023, all unit members shall receive a five percent (5.0%) increase in salary.

2024: Effective the first full nav period in October 2024, all unit members shall receive a four.

How can the hiring manager reach you?

Add your email.

Apply News

By clicking the button above, I agree to the ZipRecruitor <u>Terms of Use</u> and acknowledge I have read the <u>Privacy Policy</u>, and agree to receive email job elerts: Superior Court of California, County of Sa. 14.

Certified Court Reporter - Open Until ... Apply on antaloger site Filled

Santa Clara, CA

Definition/Description

"New Hires will receive \$7500 SIGNING BONUS"

SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allocated into four [4] steps. Progression from a step is after completing a year of service in the current step.

The current contract dated October 1, 2022 through September 30, 2025 has the below negotiated namely increases which will be implemented as follows:

2023. Effective the first full pay period in October 2023, all unit members shall receive a five percent (5.0%) increase in salary.

2024: Effective the first full pay period in October 2024, all unit members shall receive a four percent (4.0%) increase in salary.

Upon hire, a sigh-on bonus of \$7,500 shall be offered to all new bargarning unit employees to be paid out as follows: \$4,000 upon beginning work for the Court: \$2,000 at the first enviversary of employment, and \$1,500 at the second anniversary of employment.

DEFINITION/DESCRIPTION:

Superior Court of California, County of Santa Clara is the 7th largest united trial court in California. Its 77

Judicial Officers work in one of the 7 Courthouses within the County and are supported by close to 600 fulltime Court employees.

COURT REPORTERS are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, made notes as requested, prepares transcripts, and performs other related dubies as required.

Applications may be submitted for Full Time. Part Time and Extra Help** opportunities.

**Extre Help Positions that are used by the Court to handle peak workload and vacancies. These positions are not eligible for most Court benefits.

Typical Tasks/Representative Duties

Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed.

Provides immediate read back of all or portions of the record upon request

Prepares printed or magnetic media transcripts of court proceedings.

Reviews, certifies, and files printed transcripts of court proceedings and provides daily franscripts as needed, Qualified incumbents may process court information/proceedings by use of realtime fechnology, incumbents provide at own expense, all necessary equipment and materials to produce the verbation record.

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\$ 120,884-139,926 a year 👛 Full-time 🖽 No Degree Mentioned 🖂 Dental insurance

Paid time off . Health insurance

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Job highlights

Identified by Google from the original job post

Qualifications

- Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required
- · A California Driver's license may be required
- Employees in this classification may be required to use their own vehicle to travel between facilities

12 more items(s)

Benefits

- *New Hires will receive \$7500 SIGNING BONUS**
- SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps
- 2023: Effective the first full pay period in October 2023, all unit members shall receive a five percent (5.0%) increase in salary 16 more items(s)

Responsibilities

- COURT REPORTERS are responsible for making verbatim official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request
- Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required
- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, often of a technical nature and at a high rate of speed;
 22 more items(s)

More job highlights ~

Job description

Definition/Description

*New Hires will receive \$7500 SIGNING BONUS**

SALARY INCREASES: Salary steps are presented as a range from lowest to highest and are allocated into four (4) steps. Progression from a step is after completing a



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Our Salary

\$120,884 - \$139,936 Annually*

*2024: 4% increase

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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.

PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT AND BAY AREA LEGAL AID'S APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 4 OF 6 - PAGES 674–954

Service on Attorney General required by Cal. Rules of Court, rule 8.29(c)

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Los Angeles, CA 90067.

On December 4, 2024, I served true copies of the following document described as:

PETITIONERS' APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 4 OF 6 - PAGES 674–954

on the interested parties in this action as follows:

BY TRUEFILING: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx, with delivery fees paid and provided for, and addressed to the persons at the addresses listed in the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

BY EMAIL: I caused a copy of the document(s) to be sent to the persons at the e-mail addresses listed in the attached Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on December 4, 2024 at Los Angeles, California.

| Denis Listengourt | |
|-------------------|--|

SERVICE LIST

Hon. Edward G. Wei, Presiding Judge Kate Bieker, Court Executive Officer Superior Court of California County of Contra Costa Wakefield Taylor Courthouse 725 Court Street Martinez, CA 94553 dept1@contracosta.courts.ca.gov ctadmin@contracosta.courts.ca.gov

Hon. Samantha P. Jessner, Presiding Judge
Hon. Sergio C. Tapia, Presiding Judge
David Slayton, Executive Officer/Clerk of Court
Superior Court of California
County of Los Angeles
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, CA 90012
SJessner@lacourt.org
STapia@lacourt.org
DSlayton@lacourt.org

Hon. Beth McGowen, Presiding Judge
Hon. Julie A. Emede, Presiding Judge-Elect
Rebecca Fleming, Chief Executive Officer
Superior Court of California
County of Santa Clara
Downtown Superior Court
191 N. First Street
San Jose, CA 95113
BMcGowen@scscourt.org
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Hon. Maureen F. Hallahan, Presiding Judge
Hon. Michael S. Groch, Assistant Presiding Judge
Michael M. Roddy, Court Executive Officer/Clerk
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maureen.hallahan@sdcourt.ca.gov
michael.groch@sdcourt.ca.gov
mike.roddy@sdcourt.ca.gov

Rob Bonta Attorney General of California State of California Department of Justice 1300 I Street, Suite 1740 Sacramento, CA 95814 rob.bonta@doj.ca.gov

TAB 8 (continued)

Exhibit 3

PARTNERSHIP AGREEMENT

Among

Superior Court of California, Santa Clara County, Superior Court of California,
Orange County and
California State Department of Rehabilitation

SUPPORTING THE STAFFING NEEDS OF TRIAL COURTS WITH QUALIFIED INDIVIDUALS WITH DISABILITES February 9, 2023

I. PURPOSE

Superior Court of California, County of Santa Clara (Santa Clara), Superior Court of California, County of Orange (Orange) and Department of Rehabilitation (DOR) recognize the benefits to partner to support the staffing needs of Santa Clara and Orange and, by extension, the other trial courts within California (Courts) and the employment needs of individuals with disabilities. The Courts and DOR enter into this agreement to memorialize the partnership and detail the commitments each are making toward this partnership and toward the establishment of a formal working relationship.

Santa Clara and Orange serve the public by providing equal justice for all in a fair, accessible, effective, efficient, and courteous manner: by resolving disputes under the law; by applying the law consistently, impartially and independently; and by instilling public trust and confidence in the Court.

DOR is the designated state unit for vocational rehabilitation providing individualized vocational rehabilitation services to approximately 100,000 eligible Californians with disabilities annually in accordance with the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et seq.) Specifically, DOR provides vocational rehabilitation services to eligible individuals with disabilities (with a priority of serving those with significant disabilities¹) to achieve their employment goals consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

II. BACKGROUND

To support the staffing needs of the Courts, and to provide employment and advancement opportunities for individuals with disabilities, the Courts and DOR agree to:

- Identify an effective process or mechanism for designated Courts and DOR staff to collaborate in the planning process for informational interviews, tours, job shadowing and informational events, such as career fairs, for individuals with disabilities, including students with disabilities at the Courts.
- The Courts will identify and provide to designated DOR staff as well as DOR consumers or students information on employment opportunities, vacancies, long and short-term

recruitment needs, and hiring events so that DOR staff can inform and prepare potential applicants for those opportunities. The Courts will also provide group information sessions to interested DOR consumers or students.

- If currently employed Courts' staff require DOR services to maintain, retain, regain or advance in employment, designated staff from the Courts will provide DOR with a referral form for the individual and relevant information, along with a signed consent to release information. The DOR will provide to the staff information on DOR services and will schedule a one-on-one meeting to discuss services, and, if applicable, to open a DOR case.
- Designated DOR staff will participate in meetings with Courts' staff, including hiring managers and Human Resources staff, to become informed of the staffing needs, hiring practices, job duties and working conditions of in-demand positions in the Courts.
- DOR staff will identify current and potential consumers, including students with disabilities, with a vocational goal or interest in in-demand positions and, as appropriate, will jointly develop a plan (DOR Individualized Plan for Employment or IPE²). Relevant services, goals and objectives will be incorporated, as appropriate, into the IPE, including but not limited to, on and off-the-job supports, education and training, interview and work attire, transportation, counseling, and guidance and paid and un-paid work experience.
- Courts will provide, as appropriate, and based on the capacity and availability, work experience sites for DOR participants interested in pursuing employment at the Courts.
- Courts' staff, with an appropriate release of information, will have the ongoing ability to
 consult with the DOR staff, whenever they have questions about an individual's plan or
 service needs, or if the conditions or situation changes requiring modifications to or
 amendments to the plan.
- Courts' staff will provide support, including applicable training and mentoring to DOR
 participants at the Courts working in unsubsidized employment, participating in an OnThe-Job training, or participating in work experience, as needed, in collaboration with
 designated DOR staff.
- DOR will work with the Courts and local secondary and post-secondary education and training institutions in identifying additional potential staff for the Courts, including developing a talent pipeline, by supporting the enrollment, training, and job preparation of that pipeline, as applicable through a DOR-supported IPE.
- DOR will coordinate services, including referrals with applicable Workforce system programs (including the California Workforce Development Board, local Workforce Development Boards, Employment Development Department, and American Job Centers

of California) and existing community programs serving individuals with disabilities to support the staffing needs of the Courts.

A "Significant Disability" is a serious limitation in functioning as a result of one or more physical or mental disabilities resulting from acquired traumatic brain injury, amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, HIV, intellectual disability, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities that cause comparable substantial functional limitation.

2 "Individualized Plan for Employment (IPE)" means a written plan developed by, or in collaboration with, the eligible individual and agreed to by DOR that details the employment outcome chosen by the eligible individual, and the services necessary to successfully complete the IPE. The employment goal must be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests.

III. Designated Contact Persons

Mark

Digitally signed by Mark Erlichman

Erlichman Date: 2023.02.21

Mark Erlichman Deputy Director

Vocational Rehabilitation Employment Division

Department of Rehabilitation

(916) 558-5821

Phone Number

mark.erlichman@dor.ca.gov

Email Address

Sulakshna Chauhan

schauhan@scscourt.org

Sulakshna Chauhan

Chief Administrative Officer

Santa Clara County Superior Court

Ernest Montoya

emontoya@occourts.org

Staffing Classification and Compensation Officer

Orange County Superior Court

IV. SIGNATURES

This Agreement shall remain in effect until such time as the Courts and DOR have jointly agreed in writing to terminate this Agreement.

Upon signing below, all parties indicate agreement with this Agreement. February 21, 2023 Rebecca Fleming Date Chief Executive Officer Santa Clara County Superior Court David Yamasaki Date Chief Executive Officer Orange County Superior Court Digitally signed by Mark Erichman Date: 2023.02.21 08:08:33 -08'00' Mark Erlichman 2/21/2023 Mark Erlichman Date

Deputy Director, Vocational Rehabilitation Employment Division

Department of Rehabilitation

Superior Court of California County of Santa Clara



INFORMATION AND RESOURCES ABOUT THE
COURT REPORTER POSITION
TO
THE DEPARTMENT OF REHABILITATION



COURT REPORTER POSITION

Court reporters ensure accurate legal records by capturing spoken testimony and creating official transcripts using stenography or voice writing.



Stenography

- Record Proceedings Live
- · Transcribe Using Voice Notes
- Ensure Accuracy of the typed transcripts



Voice Writing

- Capture Spoken Words
- · Produce Verbatim Transcripts
- Provide Immediate Access to typed transcripts

FOR MORE INFORMAITON ABOUT THE COURT REPORTER POSITION:

recruitment@scscourt.org



HIGHLIGHTS OF EMPLOYMENT

- Attractive salary: Six-figure income and a signing bonus.
- Comprehensive health insurance: fully covered medical coverage for you and your dependents when choosing Kaiser Permanente.
 - Additional plans through HealthNet and Valley Health Plan.
- Flexible work options: Part-time and full-time positions available.
- Time off to recharge: generous time off package.
- Rewarding your commitment: longevity pay
- And more! A variety of perks to support your well-being and career development.

FOR MORE INFORMAITON ON THE COURT REPORTER POSITION BENEFITS:

<u>https://www.scscourt.org/jobs</u>

Frequently Asked Questions (Court Reporter Position)

Becoming a Court Reporter

Educational Requirements: High school diploma or equivalent is required.

Training Timeline: Court reporting programs typically range from one to four years in duration.

Santa Clara Court Reporter Salary and Benefits:

→ Salary range: \$120,884.00 upto \$139,936.00¹

→ Hiring Bonus: \$7,500 bonus²

→ CalPERs Retirement Plan

→ Longevity Pay¹

-> Deferred compensation plans

→ Court Reporting Certification Differential

→ Reimbursements up to \$2,000 for qualified equipment expenses.

→ Paid Holidays: 14 days

-> Vacation: 214 days of personal time off and includes a birthday holiday

-> Sick: Accrued at the rate of 100 hours per year

Court Reporter's Role:

Court reporters ensure accurate legal records by capturing spoken testimony and creating official transcripts using stenography or voice writing.

Difference between Voice Writing and Stenographic court reporting methods:

Voice writers and stenographers are both responsible for verbatim, or word-for-word, transcription of court and deposition proceedings. The only difference in the two types of court reporters is the actual method of take-down. Both types of reporters produce the exact same end product, the written transcript of proceedings.

Court Reporter Test:

As per the California Court Reporter's Board: To pass the exam, all three parts must be passed within a three-year period. If the candidate fails to pass all three parts within this time, it will be necessary to retake all three parts. The three-year period begins at the date of the first exam scheduled.

Court Reporters Board of California

Hours of operation:

8:30am - 5pm, Monday through Friday.

Types of employment opportunities:

Full Time, Part Time, and Extra Help

Words per minute requirement

About 200 words per minute while maintaining an accuracy of 97.5%.

^{*}The contract in effect from Gostern 1, 3602, to Secrember 80, 3025

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¹⁶ Vyrymme constraint that is the first year of service . A day of services (some, and 1 stations feetiles,

· Court Reporter Certification duration:

The timeframe to become a court reporter varies depending on the chosen training method. Voice writer programs typically require less time to complete compared to stenographic court reporting programs.

Out of state Court Reporter license applicability:

A license or certificate from another state isn't sufficient to be a court reporter in California.

Court reporting educational resources:

National Court Reporters Association (NCRA): https://www.ncra.org/ (Offers resources and information about the profession, including educational opportunities.)

- California Court Reporter's Association: https://www.cal-ccra.org/
- National Voice Reporter's Association: https://nvra.org/

Occupational videos:

- Stenographic Court Reporter: Federal Judicial Courts U.S. Courts
- Voice Writer Court Reporter: NVRA The Voice of the Future

Contact Information for some Court Reporter schools:

| Schools | Contact Information | | |
|--|--|--|--|
| Vest Valley College | Margaret Ortiz Phone: (408) 741-2559 / Email: margaret.ortiz@wvm.edu | | |
| ollege of Marin | Indian Valley Campus (IVC) Building 11 – Room 100 Phone: (415) 457-8811 ext. 8200 | | |
| enerations College | Phone: (224) 352-0078 Inquiries: https://www.generations.edu/contact-us | | |
| outh Coast College in Orange County | Kevin Magner Phone: (714) 867-5009 / Email: kjmagner@southcoastcollege.edu | | |
| owney Adult School | Phone: (562) 940-6200 Email: DASWeCare@dusd.net | | |
| avilan Collège | Phone: (408) 848-4800 / 1-877-221-5151 Inquiries: www.gavilan.edu/about/contact.php | | |
| an Jose Evergreen Community College District Norkforce Institute) | Phone: (408) 723-4242 / General Email: Wl@sjeccd.edu | | |
| alo Alto Adult School | Phone: (650) 329-3752 / 1-877-221-5151 | | |
| nione College | Phone: (510) 659-6000 / 1-877-221-5151 | | |

- Equal Employment Opportunity: The Santa Clara County Court is committed to equal opportunity and welcome
 applications from all qualified individuals. The Court values a diverse workforce and ensure fair consideration for
 employment without regard to:
 - Race
 - Color
 - Religion
 - Sex
 - Sexual Orientation
 - Gender Identity
 - National Origin
 - Veteran Status
 - Disability Status
- Applicants with Disabilities: The Court provides reasonable accommodations for qualified individuals with disabilities in accordance with the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA). To Request an Accommodation the Court's Disability Services Representatives:
 - Sorayma Perez Salgado: Sperezsalgado@scscourt.org
 - Call: (408) 882-2745
 - TDD users: (408) 882-2787









COURT REPORTERS

Start your career with a signing bonus, a 6 figure salary, fully-paid health benefits for self and family with Kaiser, and for many other perks...



Apply now at scscourt.org/jobs



For more information, please contact Human Resources at Recruitment@scscourt.org

Sorayma PerezSalgado

 From:
 Vilma Zeta < VZeta@scscourt.org >

 Sent:
 Friday, June 9, 2023 3:57 PM

 To:
 Richardson, Sean@DOR

Cc: Sulakshna Chauhan; Jennifer Vigna; Sorayma PerezSalgado

Subject: Court Reporter Information Packet

Attachments: Santa Clara Court Information Packet for DOR 6.9.2023.pdf

Importance: High

Hello Sean:

We are thrilled to commence the pilot for the Court Reporter classification and thank you for the opportunity to share more information. We've included a packet of information that we hope you'll find helpful (attached). It contains the following:

- Information about the Partnership between the Department Of Rehabilitation (DOR) and Santa Clara Superior Court
- 2. Court Reporter Job Classification
- 3. Court Reporter Recruitment flyer
- 4. Videos highlighting the differences between Stenographic and Voice Writer Court Reporter
- 5. Santa Clara Superior Court Compensation & Benefits
- 6. Resources for Aspiring Individuals interested in training as a Court Reporter
- 7. Court Reporter schools near Santa Clara county and their respective contact information
- 8. Questions & Answers
- 9. Identified Next Steps in the Process

At the end of last week's info session, you mentioned there may be another opportunity to reach another group of individuals that may be interested in learning more about the Court Reporter classification. We would be delighted to attend another Info Session to reach more individuals, and will have Wednesday, 7/12/23 from 1:30pm – 2:15pm available. Please kindly confirm if this timeframe works. The next step in the process is for DOR to identify a cohort of students who are interested in the Court Reporter classification. We understand that you may need some time to review all the information we've provided and share it with individuals. When you're ready, would you kindly send us a meeting request so that we can discuss next steps together.

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Superior Court of California, Santa Clara County

(W) (408) 882-2860 | (M) (408) 483-9435 vzeta@scscourt.org | www.scscourt.org

Sorayma PerezSalgado

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, July 12, 2023 2:42 PM

To: DOR San Jose - All

Cc: Hangse, Sorath@DOR; Bautista-Goes, Olivia@DOR; Sulakshna Chauhan; Sorayma

PerezSalgado; Naing, KoKo@DOR; Woo, Theresa M@DOR; Chew, Lakeisha@DOR; Hall.

Gabrielle@DOR; Fuentes, Leslie@DOR

Subject: SCC Court Reporter Information Packet

Attachments: Santa Clara Court Information Packet for DOR 6.9.2023.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Team.

Please review the attached, regarding information from the Santa Clara County Court following the recent Court Reporter Information Session in June 2023. Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

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Sean.richardson@dor.ca.gov

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SUPERIOR COURT OF CALIFORNIA, SANTA CLARA COUNTY INFORMATION PACKET FOR THE

DEPARTMENT OF REHABILITATION





INFORMATION ABOUT THE PARTNERSHIP BETWEEN THE DEPARTMENT OF REHABILITATION (DOR) AND SANTA CLARA SUPERIOR COURT

The Santa Clara Superior Court serves the public by providing equal justice for all in a fair, accessible, effective, efficient, and courteous manner: by resolving disputes under the law; by applying the law consistently, impartially and independently; and by instilling public trust and confidence in the Court.

The Santa Clara Superior Court and The Department of Rehabilitation (DOR) have signed a Partnership Agreement.

The Superior Court of California, County of Santa Clara (Court), and the Department of Rehabilitation (DOR) recognize the benefits to partner to support the staffing needs of the Court and the employment needs of individuals with disabilities. The Court and DOR enter into this agreement to memorialize the partnership and detail the commitments each are making toward this partnership and toward the establishment of a formal working relationship.

The Superior Court of California, County of Santa Clara, is the 7th largest unified trial court in California. Its 77 Judicial Officers work in 7 Courthouses within the County and are supported by close to 600 full-time Court employees.





DOR

Identify a cohort of students for employment apportunities.

Inform and prepare potential cohort applicants.

Participate in meetings with the Court to become informed of the staffing needs.

Partner with education training institutions to identify additional potential cohort applicants.

Develop a talent pipeline, support with enrollment, training, & job preparation.

Coordinate services & referrals, with applicable Workforce systems programs.

COURT

Collaborate in the planning process for informational sessions, tours and job shadowing.

Provide DOR with employment apportunities.

Provide group information. sessions to interested DOR cohort.

Provide job shadowing opportunities for DOR students interested in pursuing a career.

Court will consult with DOR staff on questions for an individual's plan.

Provide Job shadowing & mentaring for cohort identified by DOR.

- The Court continues to share all job announcement notices with DOR.
- The Court and DOR are implementing a pilot program to identify applicants (cohort) interested in working at the court as a court reporter.



COURT REPORTER JOB CLASSIFICATION

SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA COURT REPORTER

DEFINITION:

Under direction, this specialized classification stenographically records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

Incombents in this classification are responsible for making verbatum official records of court proceedings in machine shorthand and providing read back of all or portions of the record upon request

REPRESENTATIVE DUTIES:

- Attends court sessions as assigned and makes verbatim stenographic records of the proceedings, offen of a technical nature and at a high rate of speed.
- · Provides immediate read back of all or portions of the record upon request,
- Prepares printed or magnetic media transcripts of court proceedings.
- Reviews, certifies, and files printed transcripts of court proceedings and provides daily transcripts as needed.
- Qualified incumbents may process court information proceedings by use of realtime technology;
- Incumbents provide, at own expense, all necessary equipment and materials to produce the verbation record, pursuant to California Rules of Court, Rule 810;
- · Maintains a variety of paper and electronic files.
- · Performs other related duties as required

EMPLOYMENT STANDARDS:

Certification by the California Department of Consumer Affairs Certified Shorthand Reporters Board is required Realtime reporting is highly desirable. In order to receive the differential incumbents must be realtime-certified by either the National Court Reporters Association, or the Deposition Reporters Association or have successfully passed a realtime test administered by the Court Incumbents provide and maintain the necessary equipment for the transcription of court proceedings. A California Driver's license may be required Employees in this classification may be required to use their own vehicle to travel between facilities.

Knowledge of:

- Legal terminology, basic medical and other specialized and technical terminology required for court proceedings and protocol.
- English usage, grantmar, punctuation, and spelling transcript production procedures and practices, office procedures and practices.
- Office management principles, methods, and procedures:

Superior Court of California, County of Santa Claus Job Code FO1 UMC 205a April 1, 2003

Page Lof.



· Court procedures and protocol

Ability to:

- Record shorthand at a minimum of 200 words per minute with 97.5% accuracy.
- · Plan and organize work to meet deadlines.
- Establish and maintain working relationships with judges, court staff, attorneys, and the public;
- Ability to comprehend and process varying dialects, accents, and speech peculiarities of the English language.
- Ability to converse and respond appropriately to inquiries and requests;
- Ability to work alone and independently as well as working closely with others is required.

WORKING CONDITIONS:

The work environment is generally clean, inside buildings, with limited exposure to dust, finnes, odors, and noise. Incumbents will be working under sometimes difficult and stressful conditions, with frequent deadlines and the expectation to produce high quality work under limited time constraints.

ESSENTIAL FUNCTIONS:

Specific tasks and duties may vary between assignments, however, the following are considered essential functions expected of the Court Reporter classification:

- Frequent and ongoing use of stenographic equipment to record verbatini proceedings;
- Frequent and ongoing use of electronic equipment to produce transcripts and other documents:
- Read back court proceedings in a clear concise manner in a courtroom or other setting

PHYSICAL DEMANDS:

- Requires sitting at a keyboard and using fine hand coordination and with continuous high frequency repetitive motion, for extended periods of time, on a daily basis.
- Occasional lifting, puslung, carrying of objects up to 15 pounds.
- Requires walking, some bending, stooping, and squatting.
- Continuous need for verbal comprehension and retention.





COURT REPORTER RECRUITMENT FLYER





AND VOICE WRITER COURT REPORTERS

COURT REPORTERS are responsible for making verbatim official records of court proceedings in machine shorthand and providing readback of all or portions of the record upon request. Under direction, this specialized classification stenographically / voice writing records and maintains an official record of court proceedings, reads notes as requested, prepares transcripts, and performs other related duties as required.

- Stenographic Court Reporters are individuals that take spoken words and transcribe them verbatim. These typed out verbatim transcripts of the court proceedings are used throughout the legal process and allows the attorneys and judges to have access immediately to the transcript to go over for any number of reasons.
- Voice writers use their voices to keep an accurate recording of proceedings
 equivalent to stenographers who use of their hands to do the same. Voice writers
 are then able to prepare verbatim transcripts of proceedings by use of their voice
 notes. Voice notes are not simply just a mimic of words the spoken word. Voice
 notes contain pertinent information that allows the voice writer to accurately
 transcribe proceedings and produce a transcript.

Links to Court Reporter videos:

Stenographic Court Reporter; Federal Judicial Courts



Voice Writer Court Reporter: NVRA - The Mode of the Euture





SANTA CLARA SUPERIOR COURT REPORTER COMPENSATION & BENEFITS

- Annual Compensation: \$115,128 \$133,272
- Signing Bonus: Superior Court of California, County of Santa Clara offers a \$7,500 bonus that is fully paid out within two (2) years of employment with the Court
- Longevity Pay: After completing 2,611 days of continuous service, the Court provides \$50 per pay period as a longevity payment
- Deferred compensation plans: Access to deferred compensation plans.
- Realtime/CART Court Reporting Certification Differential
- Reimbursements up to \$2000 from the Court for limited equipment
- Fully Covered Health care: Medical, Dental, and Vision
- CalPERs Retirement Plan: Specific benefit formula determined per California Public Employees Retirement System regulations.
- · Leaves:
 - o Four (4) Paid Holidays
 - 15 Days of Vacation earned within the first year of service
 - o Four (4) days of Personal Leave
 - G A day off on your birthday
 - Sick Leave accrued at the rate of 100 hours per year.





RESOURCES FOR ASPIRING INDIVIDUALS INTERESTED IN TRAINING AS A COURT REPORTER

- California Court Reporter's Association: https://www.cal-ccra.org/
- National Court Reporter's Association: https://www.ncra.org/home
- National Voice Reporter's Association: https://nvra.org/
- COURT REPORTING SCHOOLS:

| Program/School Name: | Contact Information |
|--|--|
| West Valley College | Margaret Ortiz Phone: (408) 741-2559 Email: margaret ortiz@wvm.edu |
| College of Marin | Indian Valley Campus (IVC) Building 11 – Room 100 Hours: M – F 8:30 am – 4:30 pm Phone: (415) 457-8811 ext. 8200 |
| Generations College (formerly MacCormac College) | Phone: (224) 352-0078 Inquiries: https://www.generations.edu/contact-us |
| South Coast College in Orange County | Kevin Magner Phone: (714) 867-5009 Email: <u>kimagner@southcoastcollege.edu</u> |
| Downey Adult School | Phone: (562) 940-6200 Email: DASWeCare@dusd.net |
| Gavilan College | Phone: (408) 848-4800 / 1-877-221-5151 (State the program you are interested in for this college) Inquiries:www.gayılan.edu/about/contact.php |
| San Jose Evergreen Community College District - Workforce Institute | General Email: <u>WI@sjeccd.edu</u> Phone: (408) 723-4242 |
| Ohlone College | Phone: (510) 659-6000 / 1-877-221-5151 (State the program you are interested in for this college) |
| Paio Alto Adult School | Phone: (650) 329-3752/ 1-877-221-5151 (State the program you are interested in for this school) |



QUESTIONS & ANSWERS

- Q: What is the salary for a Court Reporter for the Superior Court of California, County of Santa Clara?
 A: \$115.128 \$133,272 salary per year.
- 2) Q: Are the voice writer positions posted separately from the stenographer positions as job postings? Or can clients apply for any court reporting position and doing voice writing would be an accommodation?
 A: The court reporter classification in our county applies equally to stenographers and voice writers. Voice Writer is not an accommodation for someone who is not a stenographer.
- 3) Q: If they fail the initial test, how many opportunities do they get to re-test?

An extra place of the second control of the

- 4) Q: What are the general hours of work for the Court Reporting positions?
 A: Generally, 8:30am 5pm, Monday Friday, There are two shifts, 1) 8:30am 12pm/12:30pm and 2) 1:30pm 5:30pm. The shifts will depend based on the Court needs and the Judge you will be assigned to.
- 5) Q: How many words can court reporters write per minute?
 At Legal court reporters must have a typing speed of around 200 words per minute with an accuracy rate of 97,5% to be certified.
- G) Q: How long does the Court Reporter certification take?
 A: It will be based on the Court Reporting school you will be attending.
- Q: Can I use an out of state Court Reporter license or certificate to work in the state of California?
 A: No, you will need a California state Court Reporter license and or certificate.
- N) Q. What is the minimum qualification required to apply for the Court Reporter Program?

A. Please reach out to the schools for information.

- Typically, Candidates must be a high school graduate and provide documentary proof of high school graduation, GED or equivalent.
- Voice writers can train in one year or less, whereas stenography students take an average of 3-4 years to complete
 their training. We advise you to get clarification from the program or school you plan to attend to obtain a detailed
 program plan that will meet your needs.
- 9) Q. Are there any special arrangements for applicants who need special accessibility?
 - A. Special Accessibility: Special Accessibility for CA Court Reporter's Board Licensure Exams for Applicants With Disabilities:

Special accessibility

Applicants with Disabilities: Pursuant to the Americans with Disabilities Act, special testing arrangements are available for applicants who can substantiate the need for reasonable accommodation. It is the responsibility of the applicant to natify the CRB of such needs, in writing, when filing each application so that suitable arrangements can be made. Medical verification of the disability must accompany this written natification. The written requests for special arrangements and medical verification must be received with each application in order to receive consideration. No special accommodation will be provided if the required documentation is not submitted with the application.



IDENTIFIED NEXT STEPS IN THE PROCESS

ACTION PLAN...



WWW.SCSCOURT.ORG

Sorayma PerezSalgado

From:

Vilma Zeta

Sent:

Friday, July 28, 2023 2:55 PM

To:

Sorayma PerezSalgado

Subject:

RE: Request for a Meeting

Follow Up Flag: Flag Status: Follow up Completed

Hello Sean:

In our meeting on 7/12/23, the Court and DOR shared our common excitement about our partnership.

We know that in our next meeting on Aug. 10th, you will share an update on what Orange County has been doing with the Court Reporter Project and recap what was noted in our last meeting with Olivia and our staff. We thought it might be useful to note down some of our possible next steps:

- The Court will share the Court Reporter Information Packet with DOR so that you are able to share the information and tailor it to suit your audience.
- DOR to designate a representative who will lead the webinar and the Court can present the details about the position.

We are hoping the DOR is able to put together an outreach strategy (and perhaps a timeline) to begin identifying a group of students keen on participating in the pilot program for Court Reporting. Let us know how we can help you on this.

Thanks, Vilma

Vilma Zeta

Asst. Human Resources Director Superior Court of California, Santa Clara County (W) (408) 882-2860 | (M) (408) 483-9435 vzeta@scscourt.org | www.scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, July 26, 2023 4:02 PM To: Vilma Zeta <VZeta@scscourt.org>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Subject: RE: Request for a Meeting

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Monday, August 14, 2023 5:41 PM

To: Sorayma PerezSalgado; Bautista-Goes, Olivia@DOR; Dorsey, Denise@DOR

Cc: Sulakshna Chauhan; Vilma Zeta; Jennifer Vigna

Subject: RE: Meeting Summary 8/10/23

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

Thank you for this email!

The meeting summary and next step items you noted are correct; also, I will begin providing Sulakshna and Denise periodic reports/updates (i.e., monthly and/or sooner if and as needed). The support of the SCCSC is truly appreciated!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Friday, August 11, 2023 8:13 AM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-

Goes@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>; Jennifer Vigna

<JVigna@scscourt.org>

Subject: Meeting Summary 8/10/23

Good Morning Sean,

Thanks for a productive meeting yesterday afternoon. Let's go over the next steps we talked about:

- We will be creating a webinar for the Court Reporter Pilot, and we will let you know as soon as it's
 ready. Once we have it, we'll provide it to you so that you can share the information during your
 outreach efforts.
- As you share information about the webinar during your outreach, we would appreciate it if you could
 also provide us with a list of the schools, programs, etc. you have shared it with for our records.

We appreciated Denise's helpful contribution during today's meeting and thank you all for your cooperation and participation.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From:

Salinas, Judith A@DOR < Judith. Salinas@dor.ca.gov>

Sent:

Friday, August 25, 2023 9:48 AM

To:

Sorayma PerezSalgado; Dorsey, Denise@DOR

Cc:

Vilma Zeta; Lim, AuraClaire@DOR

Subject:

RE: Meeting Summary 8/10/23

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello,

I have 24 contracts so the meetings are scheduled from early November to mid-December. I am currently holding meetings for the current quarter through mid-September.

Thank you,

Judy

From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Friday, August 25, 2023 9:44 AM

To: Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Salinas, Judith A@DOR <Judith.Salinas@dor.ca.gov>

Cc: Vilma Zeta <VZeta@scscourt.org>; Lim, AuraClaire@DOR <AuraClaire.Lim@dor.ca.gov>

Subject: RE: Meeting Summary 8/10/23

Some people who received this message don't often get email from sperezsalgado@scscourt.org. Learn why this is important Good Morning Denise,

Thank you for your response. We look forward to being included in your next quarterly meeting in October.

@Salinas, Judith A@DOR May I kindly ask when the meeting in October is scheduled for?

Thank you,

Sorayma Perez Salgado

Human Resources Analyst

Superior Court of California, County of Santa Clara

Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Sent: Thursday, August 24, 2023 3:43 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Cc: Vilma Zeta <VZeta@scscourt.org>; Salinas, Judith A@DOR <Judith.Salinas@dor.ca.gov>; Lim, AuraClaire@DOR

<AuraClaire.Lim@dor.ca.gov>

Subject: Re: Meeting Summary 8/10/23

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi Sorayma,

Sorry for the delayed response. We will add your program info in our next quarterly meeting agenda. We have meeting scheduled for Oct, Nov, Dec. We are currently meeting with our contract provides now but will add the court info on the next quarterly agenda. Please let me know if you need any additional info and I did add the Contract Administrator to this email. Judy sets up all the meetings and creates the agenda for these meeting and can provide additional information on dates if needed.

Thank you again, Denise Dorsey

From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Tuesday, August 22, 2023 12:24 PM

To: Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta <<u>VZeta@scscourt.org</u>>
Subject: FW: Meeting Summary 8/10/23

Hello Denise,

I hope all is well. I just wanted to touch base with you about your quarterly meeting you shared with the Court during our meeting on 8/10/23. May I kindly ask if you could share with us the date of when the meeting is scheduled for this quarter and next quarter?

We would really appreciate it as we continue coordinating logistics for the Court Reporter webinar. Thank you so much for your help!

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, August 11, 2023 8:13 AM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-

Goes@dor.ca.gov>; Dorsey, Denise@DOR < Denise. Dorsey@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>; Jennifer Vigna

<JVigna@scscourt.org>

Subject: Meeting Summary 8/10/23

Good Morning Sean,

Thanks for a productive meeting yesterday afternoon. Let's go over the next steps we talked about:

- We will be creating a webinar for the Court Reporter Pilot, and we will let you know as soon as it's
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 outreach efforts.
- As you share information about the webinar during your outreach, we would appreciate it if you could
 also provide us with a list of the schools, programs, etc. you have shared it with for our records.

We appreciated Denise's helpful contribution during today's meeting and thank you all for your cooperation and participation.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Tuesday, August 29, 2023 5:26 PM

To: Sulakshna Chauhan; Dorsey, Denise@DOR

Cc: Sorayma PerezSalgado; Hangse, Sorath@DOR; Bautista-Goes, Olivia@DOR

Subject: Santa Clara County Superior Court/DOR Partnership Report August 29, 2023

Attachments: SANTA CLARA COUNTY SUPERIOR COURT AND DOR PARTNERSHIP REPORT.docx

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna and Denise,

As previously promised, sharing a monthly report with you both as found in the attached. Thank you both!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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SANTA CLARA COUNTY SUPERIOR COURT/DOR REPORT ON AUGUST 29, 2023

08/10/2023 Meeting Summary (i.e., As Correctly Stated In Sorayma Perez Salgado, Human Resources Analyst with SCCSC's Recent Email Correspondence):

- We will be creating a webinar for the Court Reporter Pilot, and we will let you know as soon as it's ready. Once we have it, we'll provide it to you so that you can share the information during your outreach efforts.
- As you share information about the webinar during your outreach, we would appreciate it if you could also provide us with a list of the schools, programs, etc. you have shared it with for our records.

Updates:

- The RBS notes that Sorayma recently requested the transcript from the June 02, 2023 Santa Clara County Superior Court "Meet and Greet Event" to use when creating the webinar for the Court Reporter Pilot as outlined above. Olivia Bautista-Goes, SSMI/BEL has since provided Sorayma and Vilma from the SCCSC with this transcript.
- The RBS connected with the RBS from the Orange/San Gabriel
 District (i.e., Koko Naing), who noted the staff in the units (i.e., Senior
 Vocational Rehabilitation Counselors, Student Services Coordinators,
 and more) are too now taking tours of the Orange County Superior
 Court to observe the Court Reporters on the job.
- The RBS notes that one member of the RBS's Job Club Workshop is pursuing the Court Reporter training program at West Valley College; thus, two days ago, while acting on the RBS's advice, this individual contacted the academic advisors at West Valley College and the SVRC and today this individual is enrolled in Stenographic Machine Theory I, for the Fall 2023 Semester.
- The RBS is taking leave through September 11th and will return on September 12th to further assist with this project.

-- RBS Sean Richardson

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Monday, October 9, 2023 5:09 PM

To: Sulakshna Chauhan; Dorsey, Denise@DOR

Cc: Hangse, Sorath@DOR; Bautista-Goes, Olivia@DOR; Naing, KoKo@DOR; Sorayma

PerezSalgado; Vilma Zeta

Subject: Santa Clara County Superior Court and DOR Partnership Report October 09, 2023

Attachments: SANTA CLARA COUNTY SUPERIOR COURT AND DOR PARTNERSHIP REPORT OCTOBER

09 2023.docx

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna and Denise,

Attached is the Santa Clara County Superior Court and DOR Partnership Report on October 09, 2023. Thank you both!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014 Fax: (408) 383-9352

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SANTA CLARA COUNTY SUPERIOR COURT/DOR REPORT ON OCTOBER 09, 2023

Updates:

- The RBS continues to share the job announcements with the Santa Clara County Superior Courts among our staff, stakeholders, and job seekers, which are provided by Julie Pham, Ivory Rachal, and the Human Resources Personnel with the SCCSC (i.e., thank you for sharing these job leads with the DOR).
- On October 09, 2023 the RBS connected with the RBS from the Orange/San Gabriel District (i.e., Koko Naing), and the RBS from the San Jose District and the RBS from the Orange San Gabriel District suggest have several new suggestions. First, it is suggested that a Court Reporter Meet and Greet be provided during a Business Specialist Statewide Monthly Meeting/Call, which are offered on the 3rd Tuesday of each month at 1 PM. Next, it is suggested that a Court Reporter Meet and Greet be provided (i.e., invitation to attend) to all the counselors in every district throughout California to provide these opportunities to all our job seekers, who if needed may too wish to relocate to benefit with an improved employment outcome. Also, it is suggested that both Orange County Superior Court and Santa Clara County Superior Court participate in these presentations to capture interests in both Southern and Northern California simultaneously.
- As noted in the last report, the RBS is providing employment services to a client/member of the Job Club Workshop (i.e., Participant ID: 550983), who is pursuing the Court Reporter/Voice Reporter/Voice Recorder training program at West Valley College; thus, since the semester began, the client has met with the academic advisor and is doing well in the Voice Reporter/Voice Recorder Program at West Valley College during the Fall 2023 Semester.
- The RBS suggests exploring some recently noted recommendations from a colleague for a SCCSC/DOR marketing campaign to conduct outreach to the students at West Valley College and/or other colleges/universities, especially but not limited to those who are providing the Court Reporter Programs and Training within the community. For example, placing flyers and posters within certain departments or locations on campus. Also, advertising on the college's website.

-- RBS Sean Richardson

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Tuesday, January 23, 2024 10:44 AM

To: Sulakshna Chauhan

Cc: Hangse, Sorath@DOR; Dorsey, Denise@DOR; Bautista-Goes, Olivia@DOR; Sorayma

PerezSalgado; Vilma Zeta; Jennifer Vigna; Naing, KoKo@DOR

Subject: Santa Clara County Superior Court and DOR Partnership Report on January 23, 2024

Attachments: SANTA CLARA COUNTY SUPERIOR COURT AND DOR PARTNERSHIP REPORT JANUARY

23, 2024.docx

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna,

Sharing my latest Santa Clara County Superior Court and DOR Partnership Report, January 23, 2024. Thank you!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

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Sean.richardson@dor.ca.gov

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SANTA CLARA COUNTY SUPERIOR COURT/DOR REPORT ON JANUARY 23, 2024

Updates:

- The RBS continues to share the job announcements with the Santa Clara County Superior Courts among our staff, stakeholders, and job seekers, which are provided by Julie Pham, Ivory Rachal, and the Human Resources Personnel with the SCCSC (i.e., thank you for sharing these job leads with the DOR).
- As previously noted, the RBS is providing employment services to a client/member of the Job Club Workshop (i.e., Participant ID: 550983), who is pursuing the Court Reporter/Voice Reporter/Voice Recorder training program at West Valley College; thus, since the semester began, the client has met with the academic advisor and is doing well in the Voice Reporter/Voice Recorder Program at West Valley College during the Fall 2023 Semester and Spring 2024 Semester.
- The RBS requests assistance with an Adult Paid Work Experience opportunity for the previously noted client in the Court Reporter/Voice Recorder training program at West Valley College; thus, the RBS requests using the Santa Clara County Superior Court as the work site for this client's Adult Paid Work Experience, which is fully funded by the Foundation of California Community Colleges (i.e., this will cost the SCCSC no monies and no liability will exist for the SCCSC). If the SCCSC is open to this idea then the RBS suggests having a meeting to explore this possibility in more detail.
- The RBS is now working with another client who previously completed Court Reporter courses at West Valley College and is considering re-enrollment into the Court Reporter/Voice Recorder training program during the Spring 2024 Semester (i.e., the client is in discussions with Linda who serves as the Chair of the department).
- The RBS continues to suggest marketing this project to other DOR Districts via a Statewide Business Specialist Call Presentation (i.e., held the 3rd Tuesday of each month) by the Orange County Superior Court and Santa Clara County Superior Court (e.g., 30-minute Presentation via Microsoft Teams or Zoom Meeting). Also, the RBS suggests exploring other forms of marketing too at college campuses, social media, and more.

-- RBS Sean Richardson

From: Julie Pham

Sent: Friday, February 16, 2024 2:20 PM

To: Richardson, Sean@DOR
Cc: Scscourt Recruitment

Subject: Job Announcement DOR - Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter 2-16-24.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Court Reporter

Continuous recruitment

Thank you,

Julie Pham

Confidential Support Tech II
Human Resources Division
Superior Court of California, County of Santa Clara
Phone: (408) 882-2725 | Fax: (408) 882-2796

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 3:28 PM

To: Sulakshna Chauhan; Sorayma PerezSalgado; Vilma Zeta; Hangse, Sorath@DOR; Dorsey.

Denise@DOR; Bautista-Goes, Olivia@DOR

Subject: SCCSC and DOR Partnership Report on March 06, 2024

Attachments: Santa Clara County Superior Court and DOR Partnership Report March 06, 2024.docx

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello to All,

Attached is an SCCSC and DOR Partnership Report on March 06, 2024. Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

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Sean.richardson@dor.ca.gov

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Santa Clara County Superior Court and DOR Partnership Report, 03/06/24

- The RBS and BEL/SSMI Olivia Bautista-Goes met with the SCCSC Human Resources Department Personnel via the Microsoft Teams Meeting platform on Wednesday, March 6, 2024 at 3 PM to review progress and discuss next steps or action items. The SCCSC is currently in the final stages of a video/marketing material for the Court Reporter Program and a finished product is expected soon. The SCCSC will provide something (e.g., a flyer) within roughly a week's timeframe to allow the DOR to begin marketing the Court Reporter Program during any upcoming contract meetings; so too, the SCCSC will still follow through with the previously planned video/marketing materials as soon as it becomes available.
- The RBS notes that currently the DOR's San Jose District has two
 clients with an Individualized Plan of Employment, where the
 occupational goal is listed as Court Reporter; specifically, Participant
 ID: 550983 from Unit 03 and Participant ID: 587306 from Unit 05 (i.e.,
 this client's IPE is currently being revised to reflect the Court Reporter
 occupational objective that is being pursued at West Valley College).
- The RBS notes that no other Units in the San Jose District except for Unit 03 and Unit 05 currently have IPE's written with an occupational goal of Court Reporter therein.
- The RBS will connect with Sulakshna and the SCCSC for a follow up meeting with the SJD's DOR in the near future via an email later today.
- · Thank you all!

-- RBS Sean Richardson

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 6:49 PM

To: Sulakshna Chauhan; Sorayma PerezSalgado; Vilma Zeta; Hangse, Sorath@DOR; Dorsey,

Denise@DOR; Bautista-Goes, Olivia@DOR

Subject: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna,

I too wanted to note the contract meetings are ongoing and happening both monthly and quarterly. Thank you! Best regards, Sean

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From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 27, 2024 3:08 PM

To: Sorayma PerezSalgado

Cc: Hangse, Sorath@DOR; Dorsey, Denise@DOR; Sulakshna Chauhan; Vilma Zeta; Bautista-

Goes, Olivia@DOR

Subject: FW: SCCSC and DOR Court Reporter Project

Attachments: Superior Court of CA, Santa Clara County - Court Reporter Position Flyer (March

2024).pdf; Santa Clara Court Information Packet to Department Of Rehabilitation (Court

Reporter Position).pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

I just returned from leave and noticed this email. This is excellent material and I will discuss this in greater detail with my colleagues tomorrow. Thank you Sorayma!

Best regards, Sean

Sean Richardson, M.A. Sociology

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Friday, March 22, 2024 2:30 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-Goes@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

We hope you are well! We would like to follow up to verify you receipt of the materials for the Superior Court of California, Santa Clara County - Court Reporter position.

Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado

Human Resources Analyst

Superior Court of California, County of Santa Clara

Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Monday, March 18, 2024 5:26 PM

To: Richardson, Sean@DOR <<u>Sean.Richardson@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>> Cc: Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Attached you will find the recruitment flyer for the Superior Court of California, Santa Clara County – Court Reporter position.

Please let us know if you have any questions.

Thank you,

Sorayma Perez Salgado

Human Resources Analyst

Superior Court of California, County of Santa Clara

Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, March 15, 2024 4:47 PM

To: Richardson, Sean@DOR <<u>Sean.Richardson@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>> Cc: Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Vilma Zeta <<u>VZeta@scscourt.org</u>>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Kindly find attached the latest version of the Superior Court of California, County of Santa Clara Informational packet for the Court Reporter position. This packet packed with comprehensive information about the Court Reporter position, benefits, resources, and other relevant details that you can share with your students and colleagues.

Please note that we are currently working on the presentation, and it is not yet available in webinar mode. Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618
E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Wednesday, March 13, 2024 5:03 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Thank you for meeting with Sulakshna, Vilma, and I last week. We appreciate your patience, and we will get you the requested information by end of day tomorrow.

We appreciate your understanding and cooperation.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618
E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 6:49 PM

To: Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-Goes@dor.ca.gov>

Subject: SCCSC and DOR Court Reporter Project

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Hello Sulakshna,

I too wanted to note the contract meetings are ongoing and happening both monthly and quarterly. Thank you! Best regards, Sean

Get Outlook for iOS

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, April 3, 2024 8:47 AM

To: Hangse, Sorath@DOR; Dorsey, Denise@DOR; Sulakshna Chauhan

Cc: Sorayma PerezSalgado; Vilma Zeta

Subject: RE: SCCSC and DOR Partnership Report 03/29/2024

Attachments: SJD DOR STRATEGY AND PLAN WITH THE SCCSC COLLABORATION.docx

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorath, Denise, and Sulakshna,

Resending the revised report, entitled "SJD DOR Strategy and Plan with the SCCSC Collaboration." Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

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From: Richardson, Sean@DOR

Sent: Friday, March 29, 2024 11:23 AM

To: Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Sulakshna

Chauhan <SChauhan@scscourt.org>

Cc: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: SCCSC and DOR Partnership Report 03/29/2024

Hello Sorath, Denise, and Sulakshna,

Sharing my SCCSC and DOR Partnership Report on March 29, 2024. Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

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SAN JOSE DISTRICT STRATEGY AND PLAN WITH THE SCCSC COLLABORATION

- The San Jose District's DOR currently has the following Individualized Plans of Employment that align with court related employment, including 3 Stenographers and Court Reporters from Units 03, 08, and C; also, in reality there are really 4 Stenographers and Court Reporters in the SJD at this time, since Participant ID: 587306 is too currently enrolled in West Valley College's Voice Reporter/Stenographer Program although the IPE is currently written for "Adjudicators, Hearing Officers, and Judicial Reviewers" (i.e., revisions to the IPE are needed). Moreover, there are currently 11 Lawyers and 12 Paralegals and Legal Assistants throughout the SJD.
- For the question of "how to increase more IPE's written for Stenographers and Court Reporters in the SJD," the SJD Leadership Team and the various Qualified Rehabilitation Professionals in all the Units will meet and discuss the occupation in great detail, while planning, organizing, and executing best practices among future DOR Applicants as the IPE's are initially being created. So too, marketing strategies will be reviewed in those Units (e.g., the lobby, CRPs, etc.).
- It is suggested that a tour or field trip of the SCCSC with the Team Managers and some of the Qualified Rehabilitation Professionals from the Units should be organized to allow for a better perspective of this occupation, which is something the Orange San Gabriel District has already experienced.
- The RBS and RD will connect with the schools and colleges in the San Jose District that provide the Stenographers and Court Reporters Training, including with West Valley College, Evergreen Valley College, Gavilan College, etc., while seeking to present among the students within those departments, regarding the Department of Rehabilitation and the services offered therein for any interested applicants.
- The RBS suggests exploring the idea of a DOR and SCCSC Event and/or Presentation to further promote the occupation of Stenographers and Court Reporters among our consumers and within the community at large. Moreover, it is suggested that Paid Work Experience among DOR consumers be discussed and explored

with the DOR and SCCSC, especially those who are currently pursuing court related occupations and whose interest align.

From: Julie Pham

Sent: Friday, April 12, 2024 12:00 PM
To: Richardson, Sean@DOR

Cc: Renee A. Hughes

Subject: Job Announcement DOR -Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of California, County of Santa Clara Phone: (408) 882-2725 | Fax: (408) 882-2796

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, May 1, 2024 9:22 AM

To: Sorayma PerezSalgado

Subject: RE: SCCSC and DOR Collaboration

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Thank you Sorayma!

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Celi: (831) 233-9421

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Tuesday, April 30, 2024 4:51 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Thao-Lam, Kaney@DOR-Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR <Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR <Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

Hello Sean,

We appreciate you and your Team's flexibility and thank you for confirming a date and time for this meeting.

I will be sending the teams meeting shortly.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

Prione: (U) 408-882-2745 | (C) 669-328-1616

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Tuesday, April 30, 2024 4:32 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<<u>Michelle.Lam@dor.ca.gov</u>>; Ventura, Mary@DOR <<u>Mary.Ventura@dor.ca.gov</u>>; Diep, Oanh@DOR <<u>Oanh.Diep@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

We (i.e., Michelle Lam, Mary Ventura, myself, and Kaney Thao-Lam) would like to meet with you and/or your team on Tuesday, May 7th at 4 PM. Also, will you please add Oanh Diep and Cynthia Vo as optional attendees for this meeting? Thank you for all the support!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014

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Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Tuesday, April 30, 2024 9:28 AM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR <Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

Good Morning Sean,

My apologies there seems to be a schedule conflict on 5/10. We can meet earlier next week, if your team is available.

Please let us know if any of the following dates/times work for you:

1. Tue: 5/7 from 12pm - 2pm or 4pm - 5pm

Wed: 5/8 from 11am – 2pm or 4pm – 5pm

3. Tue: 5/14 (Morning availability)

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Monday, April 29, 2024 4:23 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR <Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

It is the counselors and service coordinators that are most needed for this meeting. Also, I am sure that Michelle Lam and Mary (i.e., Grace) Ventura will share the invite among others in their units if they too are needed for the meeting. You could include me and Kaney Thao-Lam as an optional attendee if you do not mind. Thank you!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

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Front Desk: (669) 207-0014

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Monday, April 29, 2024 4:16 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

< Michelle. Lam@dor.ca.gov >; Ventura, Mary@DOR < Mary. Ventura@dor.ca.gov >; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

Hello Sean,

Thank you for confirming a date/time for this meeting. Can you please confirm if all recipients in this email should be included in this meeting?

Once we have received confirmation, I will send the Teams link.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Monday, April 29, 2024 3:57 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Cc: Thao-Lam, Kaney@DOR < Kaney.Thao-Lam@dor.ca.gov >; Vilma Zeta < VZeta@scscourt.org >; Lam, Michelle@DOR

<Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR <Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

We would like to meet with you on Friday, May 10th at 1:30 PM. Thank you!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado < SPerezSalgado@scscourt.org>

Sent: Monday, April 29, 2024 2:49 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR <Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR

<<u>Oanh.Diep@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

Thank you, Sean. We look forward to hearing back from you.

If your team has the proposed Paid Work Experience document ready, would you please email us the documentation beforehand, so that we can review it?

Thank you,

Sorayma Perez Salgado

Human Resources Analyst Superior Court of California, County of Santa Clara

Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Sent: Monday, April 29, 2024 2:25 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

< Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR < Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

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Revised

From: Richardson, Sean@DOR

Sent: Monday, April 29, 2024 2:24 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR <Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@DOR.CA.GOV>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

Hello Sorayma,

Thank you for all the support!

I will connect with Grace and Michelle (i.e., the counselors) and respond with a best date and time for this meeting. I will respond by the COB tomorrow with this information. I like the option of meeting on May 14th at 1:30 PM, since I will be with both of them in the office on this day; however, let me confirm this with them before committing to this date and time.

Best regards, Sean

Sean Richardson, M.A. Sociology AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado < SPerezSalgado@scscourt.org>

Sent: Monday, April 29, 2024 1:17 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<<u>Michelle.Lam@dor.ca.gov</u>>; Ventura, Mary@DOR <<u>Mary.Ventura@dor.ca.gov</u>>; Diep, Oanh@DOR

<Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>; Sulakshna Chauhan

<SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Collaboration

Hello Sean,

Thank you for a productive and insightful meeting on Wednesday (4/24). We're very excited to welcome the two students pursuing court reporting education as our first Court Reporter Internship Cohort members!

We truly appreciate the Department of Rehabilitation's (DOR) role in supporting these individuals, particularly the enrolled student stipends. To advance our discussion on the internship program, we'd like to propose the following meeting dates and times:

- Friday 5/10 at 1:30pm
- Monday 5/13 at 11am
- Tuesday 5/14 at 1:30pm

To ensure a productive discussion during our meeting, kindly email us a copy of the proposed Paid Work Experience documentation beforehand, so that we can review it. If we have any questions or concerns, we will reach out to you promptly.

In the meantime, the Court is actively working on the following items:

- Developing the Cohort Internship Application Process: We're streamlining the application process for the Court Reporter Internship Cohort.
- Creating an Informative Presentation: We're producing a short presentation showcasing the Court Reporter position to attract potential student interest.
- Scheduling Counselor Site Tours: We'll finalize some dates for counselor site tours at the court and share them with you soon.

Separately as discussed, I am also attaching the Court Interpreter job description for FT/PT positions, to share with your team.

We look forward to continuing this collaboration and thank you for your partnership.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618
E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, April 26, 2024 3:53 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Sulakshna Chauhan <SChauhan@scscourt.org>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR

<<u>Michelle.Lam@dor.ca.gov</u>>; Ventura, Mary@DOR <<u>Mary.Ventura@dor.ca.gov</u>>; Diep, Oanh@DOR < <Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR <Cynthia.Vo@dor.ca.gov>

Subject: RE: SCCSC and DOR Collaboration

Hello Sean,

I'll be supporting with coordinating this meeting.

Please allow us to review our availability and we can get back to you with some proposed dates/times by next week.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Friday, April 26, 2024 10:29 AM

To: Sulakshna Chauhan < SChauhan@scscourt.org>

Cc: Thao-Lam, Kaney@DOR <Kaney.Thao-Lam@dor.ca.gov>; Sorayma PerezSalgado <SPerezSalgado@scscourt.org>;

Vilma Zeta <VZeta@scscourt.org>; Lam, Michelle@DOR <Michelle.Lam@dor.ca.gov>; Ventura, Mary@DOR

<Mary.Ventura@dor.ca.gov>; Diep, Oanh@DOR <Oanh.Diep@dor.ca.gov>; Hangse, Sorath@DOR

<Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Vo, Cynthia@DOR

<Cynthia.Vo@dor.ca.gov>

Subject: RE: SCCSC and DOR Collaboration

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna,

I feel that we will need to schedule at least one additional meeting for the Paid Work Experience, where we will meet with the counselor, service coordinator, job seeker, and your team to agree upon a duty statement and to collect a signature for the employer of record (i.e., Foundation of California Community Colleges). We could also provide more information therein on the specifics of the PWE and if everyone agrees move forward accordingly. Are you available for such a meeting in mid or late May? Thank you for any consideration to this request!

Best regards, Sean

From: Richardson, Sean@DOR

Sent: Friday, April 26, 2024 10:02 AM

To: Sulakshna Chauhan < SChauhan@scscourt.org>

Cc: Thao-Lam, Kaney@DOR < Kaney. Thao-Lam@dor.ca.gov >; Sorayma Perez Salgado < SPerez Salgado@scscourt.org >;

Vilma Zeta <<u>VZeta@scscourt.org</u>> Subject: SCCSC and DOR Collaboration

Hello Sulakshna,

I wanted to note that behind the scenes we are working in preparation of a potential Paid Work Experience for the two students, whom are actively enrolled in the Court Reporter Program at West Valley College. I have Cc'd Kaney Thao-Lam, Staff Services Analyst with the DOS Team and the San Jose District's Timekeeper on this email correspondence. I will ask Kaney to connect with your team to explain and assist with paperwork aspects of the Paid Work Experience as things progress. Please reach out with any questions and/or assistance with this as needed. Thank you!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From:

Julie Pham

Sent:

Friday, June 28, 2024 11:04 AM

To:

Richardson, Sean@DOR

Cc:

Renee A. Hughes; Pam McGee; Ivory Rachal

Subject:

Job Announcement DOR - Certified Court Reporter - Santa Clara

Attachments:

Job Bulletin - Court Reporter - Continuous (6-28-24).pdf

Hi Sean,

Happy Friday! Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of California, County of Santa Clara Phone: (408) 882-2725 | Fax: (408) 882-2796

From: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Sent: Friday, July 19, 2024 3:39 PM

To: Dorsey, Denise@DOR; Sorayma PerezSalgado

Cc: Vilma Zeta

Subject: RE: SCCSC and DOR Court Reporter Project

Follow Up Flag: Follow up Flag Status: Completed

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Thank you Denise, Sorayma, and Vilma!

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Dorsey, Denise@DOR < Denise. Dorsey@dor.ca.gov>

Sent: Friday, July 19, 2024 3:22 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Vilma Zeta <VZeta@scscourt.org>

Subject: Re: SCCSC and DOR Court Reporter Project

Good afternoon, Team

Thank you all for meeting today. Here is a brief recap of what we discussed:

A tour for DOR staff to understand and promote court reporting to consumers will take place the week of August 12th. SCCSC will finalize the tour late July early August and contact DOR with updates. DOR will make in person contact with West Valley Court Reporting program to promote collaboration with the court and DOR by August 26th.

DOR and SCCSC will focus on court reporting internship only and work experience discussion for additional support will be discussed later. We will setup a meeting to discuss details in the near future as well as, determine the right time for consumers to participate in the internship.

Please let me know if I missed anything in the recap. I appreciate all the effort everyone is dedicating to this collaboration.

Have a great weekend!
Denise Dorsey MA
San Jose District Administrator
2160 Lundy Ave
San Jose, Ca 95131
408-277-2427 direct line
408-613-8825 cell phone

From: Sorayma PerezSalgado < SPerezSalgado@scscourt.org>

Sent: Friday, July 19, 2024 2:16:38 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta < VZeta@scscourt.org>

Subject: FW: SCCSC and DOR Court Reporter Project

Hello,

Please see attachments.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, March 22, 2024 2:30 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov >; Hangse, Sorath@DOR < Sorath.Hangse@dor.ca.gov >; Dorsey, Denise@DOR < Olivia.Bautista-Goes@dor.ca.gov >

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

We hope you are well! We would like to follow up to verify you receipt of the materials for the Superior Court of California, Santa Clara County – Court Reporter position.

Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Monday, March 18, 2024 5:26 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov >; Hangse, Sorath@DOR < Sorath.Hangse@dor.ca.gov >; Dorsey, Denise@DOR < Olivia.Bautista-Goes@dor.ca.gov >; Bautista-Goes, Olivia@DOR < Olivia.Bautista-Goes@dor.ca.gov >

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Attached you will find the recruitment flyer for the Superior Court of California, Santa Clara County – Court Reporter position.

Please let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, March 15, 2024 4:47 PM

To: Richardson, Sean@DOR <<u>Sean.Richardson@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>> Cc: Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Kindly find attached the latest version of the Superior Court of California, County of Santa Clara Informational packet for the Court Reporter position. This packet packed with comprehensive information about the Court Reporter position, benefits, resources, and other relevant details that you can share with your students and colleagues.

Please note that we are currently working on the presentation, and it is not yet available in webinar mode. Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Wednesday, March 13, 2024 5:03 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Thank you for meeting with Sulakshna, Vilma, and I last week. We appreciate your patience, and we will get you the requested information by end of day tomorrow.

We appreciate your understanding and cooperation.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 6:49 PM

To: Sulakshna Chauhan <SChauhan@scscourt.org>; Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Vilma Zeta

<VZeta@scscourt.org>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: SCCSC and DOR Court Reporter Project

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Hello Sulakshna,

I too wanted to note the contract meetings are ongoing and happening both monthly and quarterly. Thank you! Best regards, Sean

From: Julie Pham

Sent: Monday, August 26, 2024 10:06 AM

To: Richardson, Sean@DOR

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement DOR - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (8-26-24).pdf

Hi Sean,

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of California, County of Santa Clara Phone: (408) 882-2725 | Fax: (408) 882-2796 From:

Richardson: SeanskDOR

DCR San Jose - All: ella@catholic/haribesscc.org: Josephn Sanchez Deblando; Angelina Kahahit; Kathoring

Rougelot; Ivon Perez (Ivon@expandobility.org); Steve Gartia; Pablo Garcola; Avssa Rin; blanca,huerts@mvla.net; Suarez, Andrew; Stenben Gaitan; mrodriouez@expelan.edu; gomzyk@mb.ind.org; derosabilimbusd.org: rodriguezfiganilan.edu; Luu, Michellefi EDO; Betangur, Johne; Borell, John S EDO; Atherin Vercott; One, Madison/REDO; Ahumada, Daychavoya/EDO; Soto, Ruthyllicost; Mechan, Barry/REDO; Bacon,

Byan M.: Chew, LakeissumDOR: Hall, Gabrielle: ADOR

Cci

Dorsey, DentselfOOR; Suidkshna Chauhan; Sorayma PenerSalcado; Vilma Zida: Julie Prom: Rener A. Hunber

Pam McGere: Lycey Rachel

Subject:

PW) Job Announcement DOR - Certified Court Reporter - Santa Clara

Monday, August 26, 2024 10:25:59 AM

Attachments:

Job Bulletin - Court Reporter - Continuous (8-26-24), acid

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello to All.

Sharing...

Best regards, Sean

From: Julie Pham < jhpham@scscourt.org> Sent: Monday, August 26, 2024 10:06 AM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Renee A. Hughes <RHughes@scscourt.org>; Pam McGee <PMcGee@scscourt.org>; Ivory Rachai

<!Rachal@scscourt.org>

Subject: Job Announcement DOR - Certified Court Reporter - Santa Clara

Hi Sean.

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of California, County of Santa Clara Phone: (408) 882-2725 | Fax: (408) 882-2796

From: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Sent: Wednesday, September 11, 2024 11:43 AM

To: Thao-Lam, Kaney@DOR; Lim, AuraClaire@DOR

Cc: Dorsey, Denise@DOR; Turrubiartes, Maria@DOR; Sorayma PerezSalgado; Sulakshna

Chauhan; Brian Faraone

Subject: FW: SCCSC and DOR Court Reporter Project

Attachments: Court Photograph Consent Form 1.pdf; 2024.09.11 SCSCC and DOR Site Tour

Agenda.pdf

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Kaney and Aura,

Will you please forward this email to anyone attending the tour and ask them to complete and return the attached Consent Form to me by the end of the day. Thank you both!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Wednesday, September 11, 2024 11:00 AM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>
Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Brian Faraone <BFaraone@scscourt.org>; Turrubiartes, Maria@DOR

<Maria.Turrubiartes@dor.ca.gov>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean & Denise,

Attached you will find the Site Tour Agenda for tomorrow's site tour, which we will review upon your arrival. In preparation for the tour, we kindly request that you share the attached Court Photograph Consent form with all individuals who will be participating. If any members of your team are unable to sign the waiver, please provide us with their first and last name so that we can account for all attendees.

Please ensure that all signed forms are returned to me via email at your earliest convenience or by the end of day, <u>Wednesday</u>, <u>September 11, 2024</u>. We look forward to the site tour and appreciate your cooperation in completing the necessary documentation.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Friday, August 30, 2024 9:32 AM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Brian Faraone <BFaraone@scscourt.org>; Turrubiartes, Maria@DOR

<Maria.Turrubiartes@dor.ca.gov>

Subject: RE: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Thank you too for all the support Sorayma with this request!

Enjoy the weekend!

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Friday, August 30, 2024 9:31 AM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Brian Faraone <BFaraone@scscourt.org>; Turrubiartes, Maria@DOR

<Maria.Turrubiartes@dor.ca.gov>

Subject: RE: SCCSC and DOR Court Reporter Project

Thank you for confirming, Denise and Sean! We will be sending you detailed information closer to the date.

Thank you,

Sorayma Perez Salgado

Human Resources Analyst

Superior Court of California, County of Santa Clara

Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Friday, August 30, 2024 9:01 AM

To: Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov >; Sorayma PerezSalgado < SPerezSalgado@scscourt.org >

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Brian Faraone <BFaraone@scscourt.org>; Turrubiartes, Maria@DOR

<Maria.Turrubiartes@dor.ca.gov>

Subject: RE: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Thank you Denise and Sulakshna!

From: Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov>

Sent: Thursday, August 29, 2024 4:57 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Brian Faraone <BFaraone@scscourt.org>; Turrubiartes, Maria@DOR

<Maria.Turrubiartes@dor.ca.gov>

Subject: Re: SCCSC and DOR Court Reporter Project

Good afternoon,

This date is perfect! I am so excited and looking forward to our staff touring the courthouse as well as, having a better understanding this amazing career opprtunity.

I will send this info to our Managers to inform their staff.

Thank you,

Denise

From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Thursday, August 29, 2024 4:51 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Brian Faraone <BFaraone@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean and Denise,

I hope all is well. We are pleased to communicate we have confirmed a rescheduled date time for the upcoming site tour with your team.

Location: Hall Of Justice located at 190 West Hedding Street, San Jose, CA.

Date: Thursday, September 12, 2024

Time: 8:30 am - 12:00 pm

We kindly ask you to confirm if this date and time works best for you and your team. If there is a schedule conflict, please let us know as soon as possible.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Sent: Wednesday, August 14, 2024 1:52 PM

To: Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov >; Sorayma PerezSalgado < SPerezSalgado@scscourt.org >

Cc: Vilma Zeta <VZeta@scscourt.org>; Sulakshna Chauhan <SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

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Thank you Denise, Sorayma, Vilma, and Sulakshna for helping with this request!

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Dorsey, Denise@DOR < Denise. Dorsey@dor.ca.gov>

Sent: Wednesday, August 14, 2024 1:49 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Vilma Zeta <<u>VZeta@scscourt.org</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>

Subject: Re: SCCSC and DOR Court Reporter Project

Good afternoon,

Yes the week of 9/2 and 9/9 would work. Tuesday, Thursday and Friday of either week will work. Please let us know what date you confirm and we will send the invite to staff. I also wanted to add I went to West Valley last week and did not connect with the coordinator. I left my name and number with the admin staff, hopefully, she calls or emails but I will make another trip next week.

Thank you in advance.

Denise

From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Wednesday, August 14, 2024 12:40 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta <VZeta@scscourt.org>; Sulakshna Chauhan <SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

We're excited to move forward with the site tour, but we're encountering some challenges for the week of 8/26. Would the week of 9/2 or 9/9 work for you and your team? We're happy to accommodate whichever week suits you best and look forward to finalizing the arrangements.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>

Sent: Wednesday, August 7, 2024 4:01 PM

To: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>

Cc: Vilma Zeta < VZeta@scscourt.org>; Sulakshna Chauhan < SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

Thank you for helping us with this!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado < SPerezSalgado@scscourt.org>

Sent: Wednesday, August 7, 2024 3:59 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta <VZeta@scscourt.org>; Sulakshna Chauhan <SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Thank you for letting us know about the schedule conflict on 8/14. We will look at our schedule for the week of 8/26 and get back to you soon.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, August 7, 2024 2:52 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta <VZeta@scscourt.org>; Sulakshna Chauhan <SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sorayma,

Thank you for responding with this email!

Unfortunately, this date will not work for us (i.e., August 14th), since Denise is attending a training on this date and two of the Team Managers are scheduled for leave as well; thus, would it be possible to look at some other dates at least 2 weeks out into the calendar, while avoiding August 21st, 22nd, and 23rd due to other conflicts?

We appreciate the support with this tour!

Best regards, Sean

Sean Richardson, M.A. Sociology AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421 Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Wednesday, August 7, 2024 1:24 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta < VZeta@scscourt.org>; Sulakshna Chauhan < SChauhan@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

We are pleased to confirm the date and time for the upcoming site tour with your team.

Location: Hall Of Justice located at 190 West Hedding Street, San Jose, CA.

Date: Wednesday, August 14, 2024

Time: 8:00 am - 12:00 pm

We will provide a detailed agenda for the site tour shortly. In preparation for the tour, we kindly request that you share the attached Court Photograph Consent form with all individuals who will be participating. If any

members of your team are unable to sign the waiver, please provide us with their first and last name so that we can account for all attendees.

Please ensure that all signed forms are returned to me via email by Friday, August 9, 2024. We look forward to the site tour and appreciate your cooperation in completing the necessary documentation.

Kindly let us know if there is a schedule conflict, as soon as possible.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618
E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Friday, July 19, 2024 3:39 PM

Cc: Vilma Zeta < VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

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Thank you Denise, Sorayma, and Vilma!

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov>

Sent: Friday, July 19, 2024 3:22 PM

To: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Cc: Vilma Zeta < VZeta@scscourt.org>

Subject: Re: SCCSC and DOR Court Reporter Project

Good afternoon, Team

Thank you all for meeting today. Here is a brief recap of what we discussed:

A tour for DOR staff to understand and promote court reporting to consumers will take place the week of August 12th. SCCSC will finalize the tour late July early August and contact DOR with updates.

DOR will make in person contact with West Valley Court Reporting program to promote collaboration with the court and DOR by August 26th.

DOR and SCCSC will focus on court reporting internship only and work experience discussion for additional support will be discussed later. We will setup a meeting to discuss details in the near future as well as, determine the right time for consumers to participate in the internship.

Please let me know if I missed anything in the recap. I appreciate all the effort everyone is dedicating to this collaboration.

Have a great weekend!
Denise Dorsey MA
San Jose District Administrator
2160 Lundy Ave
San Jose, Ca 95131
408-277-2427 direct line
408-613-8825 cell phone

From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Friday, July 19, 2024 2:16:38 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>

Cc: Vilma Zeta <VZeta@scscourt.org>

Subject: FW: SCCSC and DOR Court Reporter Project

Hello,

Please see attachments.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, March 22, 2024 2:30 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov >; Hangse, Sorath@DOR < Sorath.Hangse@dor.ca.gov >; Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov >; Bautista-Goes, Olivia@DOR < Olivia.Bautista-Goes@dor.ca.gov >

Cc: Sulakshna Chauhan < SChauhan@scscourt.org>; Vilma Zeta < VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

We hope you are well! We would like to follow up to verify you receipt of the materials for the Superior Court of California, Santa Clara County – Court Reporter position.

Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Monday, March 18, 2024 5:26 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov >; Hangse, Sorath@DOR < Sorath.Hangse@dor.ca.gov >; Dorsey, Denise@DOR < Olivia.Bautista-Goes@dor.ca.gov >

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Attached you will find the recruitment flyer for the Superior Court of California, Santa Clara County – Court Reporter position.

Please let us know if you have any questions.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, March 15, 2024 4:47 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-Goes@dor.ca.gov> Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org> Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Kindly find attached the latest version of the Superior Court of California, County of Santa Clara Informational packet for the Court Reporter position. This packet packed with comprehensive information about the Court Reporter position, benefits, resources, and other relevant details that you can share with your students and colleagues.

Please note that we are currently working on the presentation, and it is not yet available in webinar mode. Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618
E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Wednesday, March 13, 2024 5:03 PM

To: Richardson, Sean@DOR <<u>Sean.Richardson@dor.ca.gov</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Vilma Zeta <<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Thank you for meeting with Sulakshna, Vilma, and I last week. We appreciate your patience, and we will get you the requested information by end of day tomorrow.

We appreciate your understanding and cooperation.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 6:49 PM

To: Sulakshna Chauhan <SChauhan@scscourt.org>; Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR

<Denise.Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-Goes@dor.ca.gov>

Subject: SCCSC and DOR Court Reporter Project

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Hello Sulakshna,

I too wanted to note the contract meetings are ongoing and happening both monthly and quarterly. Thank you! Best regards, Sean

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SCSCC and DOR Site Tour Agenda - 9/12/2024

| Time | Task | Facilitated By | Location |
|------------------|--|--|--|
| 8:30am - 8:45am | DOR Staff Arrival | Court Services & HR | Court Services to meet DOR by the information booth located near the metal detectors at the Hall of Justice. |
| 8:45am - 9:00am | Welcome & Agenda Overview | Court Services & HR | 1 st Floor Public Lobby HOJ East |
| 9:00am - 10:30am | Observing in the Courtroom | Court Services | Depts. 33 and 35 |
| 10:30am - 11am | Court Reporter's Office Showing & Court Reporter Weekly Schedule Discussion | Court Services | Darwin Martinez's office: Dept. 52 (4 th floor HOJ West |
| 11am - 11)45am | Q & A Session & Closing Remarks | Court Reporter Supervisor, Josh Zenzen, Court Reporter, Stephanie Carrasco and HR Representative | Dept. 54 (4 th floor HO) West) |

From:

Jackson, Judith@DOR < Judith.Jackson@dor.ca.gov>

Sent:

Friday, September 13, 2024 8:39 AM

To:

Richardson, Sean@DOR Sorayma PerezSalgado

Subject:

RE: SCCSC and DOR Court Reporter Project

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Sorayma,

Thank you so much for the informative presentation yesterday! I had no idea about this career before and I'll be sending this info out to our networks of partners to see if we can generate interest and hopefully fill your positions in the future.

FYI: The link in the Court Reporter Position Flyer does not work to go to the jobs page but I was able to find the job link here:

https://www.governmentjobs.com/careers/scscourt/jobs/3146230/certified-courtreporter-open-until-filled?pagetype=jobOpportunitiesJobs

Is this where you'd like us to direct our clients and partners to go to find the application?

Judy

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Friday, September 13, 2024 7:55 AM

To: Escobedo, Peter@DOR <Peter.Escobedo@dor.ca.gov>; Liebetrau, LeNae@DOR <LeNae.Liebetrau@dor.ca.gov>; Cruz, Jose@DOR <Jose.Cruz@dor.ca.gov>; Jackson, Judith@DOR <Judith.Jackson@dor.ca.gov>; Gatewood, Lisa L@DOR <Lisa.Gatewood@dor.ca.gov>; Zaidi, Fatima@DOR <Fatima.Zaidi@dor.ca.gov>; Dominguez Gomez, Sandra@DOR <Sandra.DominguezGomez@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-Goes@dor.ca.gov>; Swartz, Michelle@DOR <Michelle.Swartz@dor.ca.gov>

Cc: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Dorsey, Denise@DOR <Denise.Dorsey@dor.ca.gov>; Sulakshna Chauhan <SChauhan@scscourt.org>; Turrubiartes, Maria@DOR <Maria.Turrubiartes@dor.ca.gov>; Hangse, Sorath@DOR <Sorath.Hangse@dor.ca.gov>; Butler, Cynthia@DOR <Cynthia.Butler@dor.ca.gov>
Subject: SCCSC and DOR Court Reporter Project

Hello to All,

So too, attached are some of the pictures from yesterday's Santa Clara County Superior Court - Court Reporter Tour. Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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From: Richardson, Sean@DOR

Sent: Thursday, September 12, 2024 1:05 PM

To: Escobedo, Peter@DOR < Peter. Escobedo@DOR. CA. GOV >; Liebetrau, LeNae@DOR < LeNae. Liebetrau@dor. ca.gov >; Cruz, Jose@DOR < Jose. Cruz@dor. ca.gov >; Jackson, Judith@DOR < Judith. Jackson@dor. ca.gov >; Gatewood, Lisa L@DOR < Lisa. Gatewood@dor. ca.gov >; Zaidi, Fatima@DOR < Fatima. Zaidi@dor. ca.gov >; Dominguez Gomez, Sandra@DOR < Sandra. Dominguez Gomez@dor. ca.gov >; Swartz, Michelle@DOR < Michelle. Swartz@dor. ca.gov >

Cc: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>

Subject: FW: SCCSC and DOR Court Reporter Project

Hello Team,

Attached are the Santa Clara County Superior Court's Court Reporter materials that Sorayma discussed during today's tour.

Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131-1868 Cell: (831) 233-9421

Front Desk: (669) 207-0014

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From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Friday, March 22, 2024 2:30 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>; Hangse, Sorath@DOR < Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR < Olivia.Bautista-Goes@dor.ca.gov>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

We hope you are well! We would like to follow up to verify you receipt of the materials for the Superior Court of California, Santa Clara County – Court Reporter position.

Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Monday, March 18, 2024 5:26 PM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov>; Hangse, Sorath@DOR < Sorath.Hangse@dor.ca.gov>; Dorsey, Denise@DOR < Denise.Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR < Olivia.Bautista-Goes@dor.ca.gov>

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Please let us know if you have any questions.

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Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Friday, March 15, 2024 4:47 PM

To: Richardson, Sean@DOR <<u>Sean.Richardson@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Kindly find attached the latest version of the Superior Court of California, County of Santa Clara Informational packet for the Court Reporter position. This packet packed with comprehensive information about the Court Reporter position, benefits, resources, and other relevant details that you can share with your students and colleagues.

Please note that we are currently working on the presentation, and it is not yet available in webinar mode. Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618
E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

Sent: Wednesday, March 13, 2024 5:03 PM

To: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR

<Denise,Dorsey@dor.ca.gov>; Bautista-Goes, Olivia@DOR <Olivia.Bautista-Goes@dor.ca.gov>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

Thank you for meeting with Sulakshna, Vilma, and I last week. We appreciate your patience, and we will get you the requested information by end of day tomorrow.

We appreciate your understanding and cooperation.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division

Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 6:49 PM

To: Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna,

I too wanted to note the contract meetings are ongoing and happening both monthly and quarterly. Thank you! Best regards, Sean

Get Outlook for iOS

From:

Zaidi, Fatima@DOR <Fatima.Zaidi@dor.ca.gov>

Sent:

Monday, September 23, 2024 12:59 PM

To:

Sorayma PerezSalgado; Sulakshna Chauhan

Cc:

Laurant, Sean R@DOR; Richardson, Sean@DOR; Brian Faraone

Subject:

RE: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi Sorayma,

Thank you so much for this detailed and useful guidance. Appreciate your assistance in serving our consumers.

Warm Regards

Fatima Zaidi

Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131

Main- 669-207-0014 Direct- 669-207-0522 Fatima.zaidi@dor.ca.gov



Employment, Independence & Equality https://www.dor.ca.gov/

From: Sorayma PerezSalgado <SPerezSalgado@scscourt.org>

Sent: Thursday, September 19, 2024 4:52 PM

To: Zaidi, Fatima@DOR <Fatima.Zaidi@dor.ca.gov>; Sulakshna Chauhan <SChauhan@scscourt.org>

Cc: Laurant, Sean R@DOR <Sean.Laurant@dor.ca.gov>; Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>; Brian

Faraone <BFaraone@scscourt.org>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Fatima,

That's wonderful news! It's great to hear you have a consumer ready to start this exciting career!

For guidance on class selection for the Voice Writer courses, we recommend visiting the West Valley School website, where they will be able to find detailed information about the program and what classes to take, specifically for Voice Writing. This should provide the consumer with a comprehensive overview.

Please share the following links, which includes information about the Court Reporting program at West Valley and contact details for a counselor who can assist with questions, educational planning, and course selection. https://www.westvalley.edu/schools/continuing-education/court-reporting.html
https://www.westvalley.edu/faculty/fard_m.html

Additionally, if they would like to reach out to Stephanie Carrasco, Santa Clara County Superior Court, Court Reporter, please find her contact information below: SCarrasco@scscourt.org

We hope this information if helpful to you and the consumer!

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Zaidi, Fatima@DOR < Fatima.Zaidi@dor.ca.gov > Sent: Thursday, September 19, 2024 2:34 PM

To: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>
Cc: Laurant, Sean R@DOR <<u>Sean.Laurant@dor.ca.gov</u>>; Richardson, Sean@DOR <<u>Sean.Richardson@dor.ca.gov</u>>
Subject: RE: SCCSC and DOR Court Reporter Project

Some people who received this message don't often get email from fatima.zaidi@dor.ca.gov. Learn why this is important

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hi Sorayma,

Thank you for that informative tour and for sharing detailed information on this project. I have a DOR consumer ready to start his Voice Reporter course at West Valley, but he needs guidance on what classes to choose.

Can you share the contact information of the court reporter who assisted us with all our queries so that we can get him started?

Warm Regards
Fatima Zaidi
Business Specialist
Department of Rehabilitation
2160 Lundy Avenue, Suite 115
San Jose, CA 95131

Main- 669-207-0014 Direct- 669-207-0522 Fatima.zaidi@dor.ca.gov



From: Zaidi, Fatima@DOR

Sent: Friday, September 13, 2024 12:12 PM

To: Escobedo, Peter@DOR < Peter. Escobedo@DOR. CA.GOV >; Richardson, Sean@DOR < Sean. Richardson@dor.ca.gov >; Liebetrau, LeNae@DOR < LeNae. Liebetrau@dor.ca.gov >; Cruz, Jose@DOR < Jose. Cruz@dor.ca.gov >; Jackson, Judith@DOR < Judith. Jackson@dor.ca.gov >; Gatewood, Lisa L@DOR < Lisa. Gatewood@dor.ca.gov >; Dominguez Gomez, Sandra@DOR < Sandra. Dominguez Gomez@dor.ca.gov >; Bautista-Goes, Olivia@DOR < Olivia. Bautista-Goes@dor.ca.gov >; Swartz, Michelle@DOR < Michelle. Swartz@dor.ca.gov >

Cc: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Turrubiartes, Maria@DOR <<u>Maria.Turrubiartes@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Laurant, Sean R@DOR <<u>Sean.Laurant@dor.ca.gov</u>>

Subject: RE: SCCSC and DOR Court Reporter Project

Thank you, Sean and court HR, for hosting us yesterday. The tour was thoroughly engaging and informative and insights provided were invaluable. Sharing few pictures taken.

Warm Regards

Fatima Zaidi

Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San Jose, CA 95131

Main- 669-207-0014 Direct- 669-207-0522 Fatima.zaidi@dor.ca.gov



From: Escobedo, Peter@DOR < Peter. Escobedo@dor.ca.gov>

Sent: Friday, September 13, 2024 11:40 AM

To: Richardson, Sean@DOR < Sean.Richardson@dor.ca.gov >; Liebetrau, LeNae@DOR < LeNae.Liebetrau@dor.ca.gov >; Cruz, Jose@DOR < Jose.Cruz@dor.ca.gov >; Jackson, Judith@DOR < Judith.Jackson@dor.ca.gov >; Gatewood, Lisa L@DOR < Lisa.Gatewood@dor.ca.gov >; Zaidi, Fatima@DOR < Fatima.Zaidi@dor.ca.gov >; Dominguez Gomez, Sandra@DOR < Sandra.DominguezGomez@dor.ca.gov >; Bautista-Goes, Olivia@DOR < Olivia.Bautista-Goes@dor.ca.gov >; Swartz, Michelle@DOR < Michelle.Swartz@dor.ca.gov >

Cc: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Turrubiartes, Maria@DOR <<u>Maria.Turrubiartes@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Butler, Cynthia@DOR <<u>Cynthia.Butler@dor.ca.gov</u>>
Subject: RE: SCCSC and DOR Court Reporter Project

Great pictures! Thanks Sean. I really enjoyed that tour.

Peter Escobedo Staff Services Manager I Department of Rehabilitation 8060 Santa Teresa Blvd., Suite 200

Gilroy, CA 95020



From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Friday, September 13, 2024 7:55 AM

To: Escobedo, Peter@DOR < Peter Escobedo@dor.ca.gov >; Liehetrau, LeNae@DOR < LeNae_Liebetrau@dor.ca.gov >; Cruz, Jose@DOR < Jose@DOR < Jose Cruz@dor.ca.gov >; Jackson, Judith@DOR < Judith.Jackson@dor.ca.gov >; Gatewood, Lisa L@DOR < Lisa.Gatewood@dor.ca.gov >; Zaidi, Fatima@DOR < Fatima, Zaidi@dor.ca.gov >; Dominguez Gomez, Sandra@DOR < Sandra.DominguezGomez@dor.ca.gov >; Bautista-Goes, Olivia@DOR < Olivia.Bautista-Goes@dor.ca.gov >; Swartz, Michelle@DOR < Michelle@DOR < Michelle.Swartz@dor.ca.gov >

Cc: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Sulakshna Chauhan <<u>SChauhan@scscourt.org</u>>; Turrublartes, Maria@DOR <<u>Maria.Turrublartes@dor.ca.gov</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Butler, Cynthia@DOR <<u>Cynthia.Butler@dor.ca.gov</u>>
Subject: SCCSC and DOR Court Reporter Project

Hello to All,

So too, attached are some of the pictures from yesterday's Santa Clara County Superior Court - Court Reporter Tour. Thank you all!

Best regards, Sean

Sean Richardson, M.A. Sociology

AGPA - Regional Business Specialist Department of Rehabilitation 2160 Lundy Avenue, Suite 115 San lose, CA 95131-1868

Cell: (831) 233-9421

Front Desk: (669) 207-0014

Fax: (408) 383-9352

Sean.richardson@dor.ca.gov

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Cruz, Jose@DOR <<u>Jose.Cruz@dor.ca.gov</u>>; Jackson, Judith@DOR <<u>Judith.Jackson@dor.ca.gov</u>>; Gatewood, Lisa L@DOR <<u>Lisa.Gatewood@dor.ca.gov</u>>; Zaidi, Fatima@DOR <<u>Fatima.Zaidi@dor.ca.gov</u>>; Dominguez Gomez, Sandra@DOR <<u>Sandra.DominguezGomez@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>; Swartz, Michelle@DOR <<u>Michelle.Swartz@dor.ca.gov</u>>

Cc: Sorayma PerezSalgado <<u>SPerezSalgado@scscourt.org</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>;

Sulakshna Chauhan < SChauhan@scscourt.org>

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Best regards, Sean

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Cc: Sulakshna Chauhan <SChauhan@scscourt.org>; Vilma Zeta <VZeta@scscourt.org>

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Hello Sean,

We hope you are well! We would like to follow up to verify you receipt of the materials for the Superior Court of California, Santa Clara County – Court Reporter position.

Let us know if you have any questions.

Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

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Superior Court of California, County of Santa Clara
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Thank you,

Sorayma Perez Salgado
Human Resources Analyst
Superior Court of California, County of Santa Clara
Human Resources Division
Phone: (O) 408-882-2745 | (C) 669-328-1618

F.M. " (C) 400 002 2745 | (C) 005 520 201

E-Mail: sperezsalgado@scscourt.org

From: Sorayma PerezSalgado

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<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: RE: SCCSC and DOR Court Reporter Project

Hello Sean,

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We appreciate your understanding and cooperation.

Thank you,

Sorayma Perez Salgado Human Resources Analyst Superior Court of California, County of Santa Clara Human Resources Division Phone: (O) 408-882-2745 | (C) 669-328-1618

E-Mail: sperezsalgado@scscourt.org

From: Richardson, Sean@DOR <Sean.Richardson@dor.ca.gov>

Sent: Wednesday, March 6, 2024 6:49 PM

To: Sulakshna Chauhan <SChauhan@scscourt.org>; Sorayma PerezSalgado <SPerezSalgado@scscourt.org>; Vilma Zeta

<<u>VZeta@scscourt.org</u>>; Hangse, Sorath@DOR <<u>Sorath.Hangse@dor.ca.gov</u>>; Dorsey, Denise@DOR <<u>Denise.Dorsey@dor.ca.gov</u>>; Bautista-Goes, Olivia@DOR <<u>Olivia.Bautista-Goes@dor.ca.gov</u>>

Subject: SCCSC and DOR Court Reporter Project

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Hello Sulakshna,

I too wanted to note the contract meetings are ongoing and happening both monthly and quarterly. Thank you! Best regards, Sean

From: Julie Pham

Sent: Thursday, September 26, 2024 12:15 PM

To: Richardson, Sean@DOR

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement DOR - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (9-26-24).pdf

Hi Sean,

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II
Human Resources Division
Superior Court of California, County of Santa Clara
Phone: (408) 882-2725 | Fax: (408) 882-2796

From:

Julie Pham

Sent:

Friday, October 25, 2024 10:28 AM

To:

Richardson, Sean@DOR

Cc:

Renee A. Hughes; Pam McGee; Ivory Rachal

Subject:

Job Announcement DOR - Certified Court Reporter - Santa Clara

Attachments:

Job Bulletin - Court Reporter - Continuous (10-25-24).pdf

Hi Sean,

Sending a "refreshed" job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of California, County of Santa Clara Phone: (408) 882-2725 | Fax: (408) 882-2796

From: Julie Pham

Sent: Friday, October 28, 2022 12:11 PM

To: Richardson, Sean@DOR

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement DOR - Legal Research Attorney - Santa Clara

Attachments: Legal Research Attorney Job Description.pdf; Court Reporter Job Description Updated

10-27-22 Continuous.pdf

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following positions:

Legal Research Attorney - Filing deadline: 11/18/2022

Court Reporter - Continuous until filled

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of CA, County of Santa Clara Phone: (408) 882-2725 Fax: (408) 882-2796

From: Julie Pham

Sent: Wednesday, November 13, 2024 11:56 AM

To: Richardson, Sean@DOR

Cc: Renee A. Hughes; Pam McGee; Ivory Rachal

Subject: Job Announcement DOR - Certified Court Reporter - Santa Clara

Attachments: Job Bulletin - Court Reporter - Continuous (11-13-24).pdf

Hi Sean,

Sending an updated job positing for the Court Reporter position for circulation.

Distributed on behalf of the Superior Court of California, County of Santa Clara:

The Superior Court of California, County of Santa Clara, is currently accepting applications for the following position:

Certified Court Reporter

Final filing deadline: Continuous

Thank you,

Julie Pham

Confidential Support Tech II Human Resources Division Superior Court of California, County of Santa Clara Phone: (408) 882-2725 | Fax: (408) 882-2796

Exhibit 4

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



Background

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits.\
The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required and electronic recording is not authorized.\(^3\) Parties may arrange for the services of a court reporter in other case types.\(^4\) However, a declining number of court reporters threatens access to justice for court users, especially Californians who can't afford to pay for their own court reporter.\(^4\)

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements, it is estimated that California courts may need up to an additional 650 full-time court reporters. In addition to court reporters employed by the courts, courts also contract with pro tempore? reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023. However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%. Potential indicators that the decline will continue include:

Challenging pathway to licensure: Thirty-five new licenses were issued statewide in 2021–22.^{11,12} Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers.¹³

Jameson V. Deuta (2018) 5 Cal. 5th 594, 622.

Felony and juvanile cases.

Electronic recording is not authorized except in limited civil, mesdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, 6 69957(a)).

^{*}Courts must also provide an official court reporter in dvil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

^{*}Covering all case types where a court reporter is required or electronic recording is not authorized.

^{*&}quot;Need" is calculated by applying the Resource Assessment Soudy estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, ways courts as environment.

Refers to an individual who is retained by the court on an intermittent or contractual basis.

Court Reporter Recruitment, Retention, and Attrition deshboard, www.courts.ca.gov/76328.htm.

^{*}Court Reportary Board: December 13, 2023, Board Meeting Packet, https://doi.org/10.1009/10.00

[&]quot;Department of Consumer Affairs state postal, www.ston.ca.ca.gov/forta/onnual_license_state_aft[m].

Ti libid.

^{**}Only eight court reporting programs recognised by the state remain open (down from 17 schools in 2010),

www.courtecourtersboard.ca.sov/pool/contains.court.ca.sov/pool/contains.courtersboard.ca.sov/pool/contains.courtersboar

^{*}Count Reporters Board, School Examination Statistics, wash countriconferational of gov/appl/Containing/Maintellanguages and purposes and applying the countries of the countrie

Fact Sheet: Shortage of Certified Shorthand Reporters in California

lanuary 2024



Court reporters likely nearing retirement: The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 as of December 31, 2022. In California, approximately 44.9% of all active licenses were issued at least 30 years ago. 19

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940.11 This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average.17 Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%.11 In FY 2022–23, California courts spent \$22.6 million on transcripts.11

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more. For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contre Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38,8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter. The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection. California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.

^{**} National Court Reporters Association, pany, norm prohibmout-norm/VCRA-Statistics

[&]quot;Department of Consumer Affairs, Licensee List (as of Nov. 2023), www.glca.ca.gov/forsaumers/public info/fores.shim.

Madian value of estimated salary and benefit costs statewide by the filled court reporter FTEs.

Data provided by a survey of 45 private consumer attorneys. It is on known how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

^{**} Sen: Bill 170 (Story, 2021 oh. 240)

^{14 2022-23} Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

If Court Reporter Recruitment, Retention, and Attrition dashboard, when courts as epy//5328 htm.

Touris were asked to provide the number of hearings without a verbatim record and the number of lotal hearings for each of these case types printle aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings (or yes versa), that case type data was removed from the data set.

¹² Jameson, supra, 5 Cal 5th at 608, fn. 1.

²² In re Armstrong (1981) 128 Cal. App. 3d 555; March v. Municipal Court (1972) 7 Cal. 3d 422.

^{**} People v. Jones (1991) 125 Cd. App.3d 298; People v. Apalelegui (1979) 82 Gal. App.3d 970; Bee Pen. Code, 8 1181(8)

Exhibit 5

SAMANTHA F. JESSNER



DAVID SLAYTON EXECUTIVE OFFICEN/ CLERK OF COURT

April 11, 2023

The Honorable Thomas J. Umberg Senate Judiciary Committee Chair 1021 O Street, Room 3240 Sacramento, CA 95814

Dear Senator Umberg and Members of the Senate Judiciary Committee,

All stakeholders agree: the current shocking shortfall in the number of Certified Shorthand Reporters (CSRs) in the California trial courts is a constitutional crisis, with tens of thousands of your constituents each month now deprived of the possibility of meaningful access to justice for the lack of a verbatim record of proceedings.

In 2018, the California Supreme Court found that the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. This falls heaviest on our communities' most vulnerable litigants in family law, probate, and unlimited civil cases, where the Government Code now prohibits the Court from using electronic recording to capture a verbatim record. Many of these litigants are self-represented and unable to afford the exorbitant cost of hiring a private CSR, which can cost up to \$3,300 a day. This places a verbatim record out of the reach of those without significant means, resulting in unequal access to justice for the vast majority of litigants in our Court.

It is not hyperbole to say: no record, no justice.

We, on behalf of the Los Angeles Superior Court, implore the Legislature to fix this problem now via the means set out in Senator Susan Rubio's proposed bill, <u>SB-662 - Courts: court reporters</u>. We reject that the problem represents a mere temporary market imbalance remediable by higher wages and modified working conditions. It is our experience, and that of virtually every other California Superior Court, that a sufficient number of qualified CSRs are neither available now nor will be into the future. The proposition that the "supply of reporters [is] currently adequate" is wrong. We would be very pleased if there were such a supply and would gladly welcome them to fill our over 100 CSR vacancies. But there is not, and we all need

¹ Jameson v. Desta (2018) 5 Call 5th 594, 608, fn. 1.

Data provided by a survey of 49 private consumer attoineys. It is unknown how much of the court reporter rate tharged by companies is provided to the reporter in the form of compensation and how much is kept by the company:

Senate Bill 662 OPPOSE Letter to Senator Susan Rubio from SELU California, Orange County Employees Association, Deposition Reporters Association, International Union of Operating Engineers, AFCSME, California, CA Court Reporters Association and CA Libbor Federation, dated April 3, 2023.

SB 662 April 11, 2023 Page 2 of 5

to look that fact squarely in the face. The question is: what are we, collectively, going to do about it?

The answer cannot be further "wait and see."

This issue is impacting your constituents now up and down California. A parent needing appellate review now of a family law judge's decision to allow her three-year-old to move from California to New York (and thus practically eliminating "frequent and continuing contact") cannot wait and see." A parent needing appellate review now of a family law judge's decision not to permit him to have custody of his eight-year-old daughter because her mother's living space is larger cannot wait and see. A spouse needing appellate review now of a family law judge's decision not to modify a large spousal support order which she cannot pay as a result of an injury and lay off from work cannot wait and see.

A verbatim transcript of proceedings provides more than potential appellate review. Very often self-represented litigants find themselves baffled or overwhelmed by their court proceedings and eventually obtain counsel, pro bono or otherwise, to aid them. A verbatim record enables the litigant to review what occurred during the proceeding and enables them to show it to a lawyer.

Just as litigants in limited civil and misdemeanor proceedings now have the benefit of a verbatim transcript via electronic recording, so, too, should the litigants in the real-life examples above. In fact, electronic recording for permitted case types is currently installed in over 200 of our courtrooms and provides litigants access to an accurate verbatim transcript of their proceedings. That electronic recording transcripts are not (yet) the equal to one created by a CSR—a proposition that would benefit from more fact-finding in our view—is a classic example of making the perfect the enemy of the good. The alternative is the current situation, where there is no verbatim record at all. It cannot be correct that the answer is simply to deny litigants any verbatim transcript while we engage in a further wait and see process.

The shortage of CSRs impacts all 58 counties in California. In Los Angeles County alone, in January and February of 2023, more than 52,000 court proceedings took place without a CSR or electronic recording to capture what occurred during the proceedings. At the current rate, our court projects more than 300,000 cases will be heard in 2023 without any official transcript.

SB-662, filed by Senator Susan Rubio and sponsored by the Family Violence Appellate Project, would:

authorize the Court Reporter's Board of California (the Board) to issue a provisional
certificate, that would be valid for three years, to an individual who has passed the
Registered Professional Reporter examination administered by the National Court

^{*} Filmily Code Section 3020.

Government Code Section 19957 currently permits electronic recording in limited civil, infraction, and misdemeasur cases

58 662 April 11, 2023 Page 3 of 5

Reporters Association or who is eligible to take the examination to become a certified shorthand reporter approved by the Board;

- authorize the Court to electronically record all civil proceedings if approved electronic recording equipment is available;
- require the Court to provide a CSR the right of first refusal to transcribe an electronically reported proceeding; and
- require the Court to make every effort to hire a CSR before electing to electronically record actions or proceedings.

The Court greatly values our CSRs and recognizes their intrinsic role in the justice system. That is why we are grateful for the Court's share of the \$30 million provided by the Legislature this fiscal year to bolster our efforts to recruit and retain CSRs. The Court has undertaken a vigorous and high-profile effort, announcing in February of this year robust signing and retention bonuses, competitive student loan forgiveness and a generous finder's fee. We are hopeful these efforts will yield an expanded CSR workforce to fill the existing 100-plus CSR vacancies.

Despite our ambitious recruitment and retention efforts, the Court's CSR vacancy rate has only grown over the last year. In fact, in the over two months since we announced significant recruitment and retention bonuses, the Court's CSR workforce has continued to decline. This chronic and increasing vacancy rate is the result of several factors:

- CSRs can make much more money in the private sector: While the median courtemployed CSR salary plus benefits exceeds \$183,940 (51% more than other nonmanager court positions), as noted earlier, CSRs in the private sector can earn up to \$3,300 per day (without leaving their home). Notwithstanding money for recruitment and retention, California courts cannot pay CSRs the excessive rates they are earning in the private sector. Even if we could do so today, the private sector has such a demand for the CSRs that they would simply pay above whatever amount the Court was paying.
- People are not choosing a career as a CSR. The number of licensed CSRs is declining significantly: According to the California Department of Consumer Affairs, between FY 2013–14 and FY 2020–21, the number of total licensees has declined 17.1% and the number of new license applications has declined 67.2%. The National Court Reporters Association reported that the average age of its court reporters members is approximately 55 years old as of June 30, 2022, and 44% of all active licensed California CSRs were issued at least 30 years ago. In fact, one quarter of the our Court's CSRs have over 25 years of service with the Court, meaning that their tenure with the Court is limited without sufficient replacement CSRs available, previewing a larger crisis on the horizon.

Nation's Largest Trial Court Offices Superiorities in Interes to Retrons and Record Official Court Reporters Annal Diaffing Survives.
February 1, 2025.

Tigavernment Code Section (19959 prevents court-employee CSRs from reporting remotel)

^{*} Department of Consumer Affairs: Dista portal, www.dcg.cg.gov/dote/danuel learner after serim.

Nature a Court Reporters Association, www.pcra.plu/home/about-ncra/NCRA-Statistics

A Department of Consumer Affairs, Licensee List (as of Iam 2023), www.dca.ca.gov/consumers/utible_info/work.intro-

SB 662 April 11, 2023 Page 4 of 5

- The result of decreased interest in the profession is the closure of CSR schools. Since 2011, the number of court reporting training programs in California has decreased from 16 to 9.¹¹ A similar trend has been seen nationwide as the number of open court reporter training programs approved by the National Court Reporters Association has declined from 54 in 2012 to 22 today.¹²
- The CSR licensing exam is notably difficult: Despite having spent years in court reporter training schools at significant expense, fewer than 20% of test-takers have passed the certification test over the past five years, resulting in an average of only 53 newly certified CSRs in the State of California per year.¹³
- Courts are competing against each other to recruit newly-licensed CSRs: According to a
 recent survey conducted by the Judicial Council of California, 74.5% of courts are
 actively recruiting CSRs. Since July 1, 2022, in the California courts, 97 CSRs vacated their
 positions and only 46 CSRs were hired, representing a net loss of 51 reporters. Of those
 46 new hires, 34.8% came from other California courts.

The current situation is untenable and unacceptable for courts, judicial officers, attorneys and, most importantly, the litigants we serve and you represent. At the current rate of CSR attrition, our Court projects being unable to provide enough CSRs to cover even statutorily-mandated case types such as felony criminal and juvenile justice proceedings by 2024.

SB-662 is the first step in addressing this constitutional crisis. The bill balances the great value of and preference for court-employed CSRs (a goal we all share) with the reality of the supply inadequacy.

It cannot be lost on the Committee that the solution to this problem has already been sanctioned by the Legislature in allowing electronic recording in limited civil, certain criminal, and traffic matters. Recognizing that the Legislature endeavors to pass laws that ensure equal access and equal protection to all litigants no matter their income, passing S8-662 expands an already accepted method of capturing court proceedings. By authorizing electronic recording in all civil case types, litigants in family law, probate, and unlimited civil proceedings, who currently do not have access to any verbatim record of their proceedings, will join litigants in limited civil, misdemeanor, and traffic matters who benefit from access to an electronically-produced verbatim record of their proceedings.

We implore the Committee to act. Without this legislative solution, the Court cannot uphold our chief mission of providing timely and equal access to justice to all we serve.

^{**}California Trial Court Consortium, The Couses, Consequences, and Dutlook of the Court Reporter Shortage in Colifornia and Beyond, https://www.sislaypu.courts.cu.gov/system/files?filescourt-reporter-shortage 1-7022 add and Celifornia Court Reporters Association webpade at https://www.cat-corp.court-reporting-scriptols

National Court Reporters Association: <a href="https://www.ncra.org/disoc/del.nuit-source/uprospnit/ling/education/2015-ncra-unqual-school-report-ling/pdf?cfurm=12-37372-0 and https://www.ncra.org/hipme/cfupunha-twach-yt/5chools-and-programs/ncra-sup-or-or-or-unit-sens-ting-programs

¹³ Exurt Reporters Board Distation Examination Statistics

SB 662 April 11, 2023 Page 5 of 5

We are hopeful you and fellow members of the Senate Judiciary Committee will stand with the thousands of litigants – your constituents – who appear in courtrooms every day throughout California, where important and impactful decisions are made about their lives, children, finances, and more, and, yet, they leave without anything approaching a verbatim record of the proceedings. Passage of SB-662 would remedy this obvious manifestation of justice for the rich but not for the poor in our court system. We look forward to your support of this bill during your April 18 hearing. Thank you for continuing to support the Court's efforts to expand and ensure access to justice for all of your constituents.

Sincerely,

Samantha P. Tessner

Presiding Judge

David W. Slayton

Executive Officer/Clerk of Court

c: Mon. Susan Rubio

Hon, Scott Wilk, Vice Chair of the Senate Judiciary Committee

Hon, Benjamin Allen, Member of the Senate Judiciary Committee

Hon. Angelique V. Ashby, Member of the Senate Judiciary Committee

Hon. Anna M. Caballero, Member of the Senate Judiciary Committee

Hon. Maria Elena Durazo, Member of the Senate Judiciary Committee

Hon John Laird, Member of the Senate Judiciary Committee

Hon. Dave Min, Member of the Senate Judiciary Committee

Hon. Roger W. Niello, Member of the Senate Judiciary Committee

Hon, Henry I. Stern, Member of the Senate Judiciary Committee

Hon, Scott D. Wiener, Member of the Senate Judiciary Committee

Cory Jasperson, Director of Governmental Affairs, Judicial Council of California

Shelley Curran, Chief Policy and Research Officer, Judicial Council of California



LOS ANGELES COUNTY BAR ASSOCIATION

444 South Flower Street, Suite 2500. Los Angeles, CA 90071. Telephone: 213.627.2727 www.lacba.org

The Honorable Toni G. Atkins
California State Senate President Pro Tempere
1021 O Street, Suite 8518
Sacramento, CA 95814

The Honorable Anthony J. Portantino California Senate Appropriations Committee State Capitol, Room 412 Sacramento, CA 95814

Re: Letter of Support for SB 662 (Rubia)

Dear Senators Atkins and Portantino and Members of the Senate Appropriations Committee:

The Los Angeles County Bar Association ("LACBA"), which represents 20,000 lawyers and legal professionals in Los Angeles County, and the undersigned bar associations listed below write to express our strong support for Senate Bill 66Z. SB 662, authored by Senator Susan Rubio, aims to address the crisis in our California superior courts caused by the shortage of Certified Shorthand Reporters (CSRs) available to create a record of court proceedings. This hurts your constituents who are unable to obtain a transcript of their proceedings, because that record is often necessary to protect their rights on extremely significant personal and family matters.

In combination with measures being taken by the superior courts to retain and recruit CSRs, SB 662 is necessary to address the constitutional crisis caused by the fact that tens of thousands of Californians each month are currently deprived of the possibility of meaningful access to justice as a result of the lack of a verbatim record of proceedings.

The attached letter of Presiding Judge Samantha Jessner of the Los Angeles Superior Court eloquently summarizes the current dire situation. The shortage of CSRs impacts all 58 counties in California. In Los Angeles County alone, in January and February of 2023, more than 52,000 court proceedings took place without a CSR or electronic recording to capture what occurred during the proceedings.

At the current rate and under current legal restrictions on electronic recording, the Los Angeles Superior Court alone projects that in 2023 more than 300,000 cases will be heard without any official transcript or record of proceedings, But this is a statewide problem.

This shocking shortfall in the availability of CSRs affects most of all the low- and moderateincome litigants who cannot afford the very high costs associated with court reporter fees.
Important rights relating to family law matters — including custody, visitation, relocation, and
protection of children, protection of victims of domestic violence, rights to alimony, and other
matters — are being adjudicated without any verbatim transcript. This adversely affects the
parties' ability to effectively enforce or appeal the court's determinations. Similarly, important
other civil matters relating to probate and resolution of important civil disputes are being
adjudicated without any verbatim record of proceedings.

The need for S8 662 is urgent. The potential costs of implementing the bill — in comparison to the deprivation of rights currently experienced by those served by our courts who cannot afford court reporters — are minimal. This is especially so where many courtrooms already have the means to electronically record court proceedings, and funds exist to further equip courtrooms with the means to electronically record court proceedings.

Accordingly, LACBA and the undersigned bar associations and legal services organizations urge that you release SB 662 from the Appropriations Committee, and use your considerable influence to bring competing views together to reach an effective resolution of, and solution for, the severe shortage of CSRs and the serious impact on constituents who need to use the court system.

We are in the process of collecting additional signatories to this letter and will update you as those additional organizations join. Please see also the attached letters from the California Lawyers Association, representing 80,000 attorneys statewide, its support of SB 662.

Thank you for your attention to this important issue and for your support in advancing SB 662

Sincerely,

Ann I. Park President

Los Angeles County Bar Association

Jeremy Evans President

California Lawyers Association

Silvia R. Argueta Executive Director Legal Aid Foundation of Los Angeles

Mónica Ramírez Almadáni President & CEO Helen & Morgan Chu CEO Distinguished Chair Public Counsel

Diego Cartagena President & CEO Bet Tzedek Legal Services

Kate Marr Executive Director Community Legal Aid SoCal

Betty L. Nordwind Executive Director Harriett Buhai Center for Family Law

Ana M. Storey
Executive Director
LevittQuinn Family Law Center

Carmen E. McDonald Executive Director Los Angeles Center for Law and Justice

Dennis Smeal

Executive Director

Los Angeles Dependency Lawyers, Inc. and Dependency Legal Services San Diego

Connie Chung Joe
Chief Executive Officer
Asian Americans Advancing Justice Southern California (AJSOCAL)

Minh T. Nguyen
President
Consumer Attorneys Association of Los Angeles

Ninos Saroukhanioff President Association of Southern California Defense Counsel Magdalena Casas

President

Mexican American Bar Association

Janet Hong

President

Women Lawyers Association of Los Angeles

Erica Yen

President

Asian Pacific American Bar Association of Los Angeles County

Nina Hong

President

Southern California Chinese Lawyers Association

Monica Min

President

Korean American Bar Association of Southern California

Harumi Hata

President

Japanese American Bar Association

Rudy Sata

President

Arab American Lawyers Association of Southern California

Johnny White

President

Irish American Bar Association - Los Angeles

Mercedes Cook

President

Philippine American Bar Association

Angela Zanin

President

Italian American Lawyers Association

Jasmine Horton

President

Black Women Lawyers Association of Los Angeles

Janet Inoue
President
South Bay Bar Association

Tracy Nakaoka President Asian Pacific American Women Lawyers Association

Cinthia N. Flores President Latina Lawyers Bar Association

Attachments

Hon. Susan Rubio

Hon. Brian W. Jones, Vice Chair of the Senate Appropriations Committee

Hon. Angelique V. Ashby, Member of the Senate Appropriations Committee

Hon. Steve Bradford, Member of the Senate Appropriations Committee

Hon. Kelly Seyarto, Member of the Senate Appropriations Committee

Hon. Aisha Wahab, Member of the Senate Appropriations Committee

Hon. Scott D. Wiener, Member of the Senate Appropriations Committee



April 12, 2023

The Honorable Thomas J. Umberg, Chair Senate Judiciary Committee 1021 O Street, Room 3240 Sacramento, CA 95814

Re: SB 662 (Rubio), as amended March 20, 2023 - Support

Dear Senator Umberg:

The California Lawyers Association (CLA) supports SB 662, which authorizes a court to order that, in any civil case, the action or proceeding be electronically recorded if an official reporter or an official reporter pro tempore is unavailable, as specified.

In Jameson v. Desta (2018) 5 Cal.5th 594, the California Supreme Court stated that "the absence of a verbalim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits." Even without an appeal, the absence of a verbalim record can have an adverse impact on litigants in the trial court when, for example, a dispute or uncertainty arises about the court's decision or the basis of that decision.

Certified shorthand reporters are the preferred way to create a verbatim record. Consistent with this preference, SB 662 requires the court to make every effort to hire a court reporter for an action or proceeding before electing to have the action or proceeding be electronically recorded. If a transcript of court proceedings is requested, the bill requires the court to provide a certified shorthand reporter the right of first refusal to transcribe the electronically recorded proceeding. In addition, the bill takes steps to address the court reporter shortage by permitting the Court Reporters Board to issue a provisional certificate to an individual who has passed the National Court Reporters Association exam or who is eligible to take the examination to become a certified shorthand reporter. The bill also requires the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters, and to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

The Honorable Thomas J. Umberg, Chair Senate Judiciary Committee April 12, 2023 Page 2

Unfortunately, the number of court reporters is not keeping pace with the need, and parties are often left with no verbatim record at all. This threatens access to justice, particularly for those who cannot afford to pay for their own private court reporter when the court does not have enough court reporters for civil cases. SB 662 will increase access to justice by addressing the critical shortage of court reporters.

For these reasons, CLA supports SB 662.

Sincerely,

Jeremy M. Evans

President



April 17, 2023

The Honorable Richard Roth, Chair Senate Committee on Business, Professions and Economic Development 1021 O Street, Suite 7510 Sacramento, CA 95814

Re: SB 662 (Rubio), as amended March 20, 2023 - Support

Dear Senator Roth:

The California Lawyers Association (CLA) supports SB 662, which authorizes a court to order that, in any civil case, the action or proceeding be electronically recorded if an official reporter or an official reporter pro tempore is unavailable, as specified.

In Jameson v. Desta (2018) 5 Cal.5th 594, the California Supreme Court stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits." Even without an appeal, the absence of a verbatim record can have an adverse impact on litigants in the trial court when, for example, a dispute or uncertainty arises about the court's decision or the basis of that decision.

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The Honorable Richard Roth, Chair Senate Committee on Business, Professions and Economic Development April 17, 2023 Page 2

Unfortunately, the number of court reporters is not keeping pace with the need, and parties are often left with no verbatim record at all. This threatens access to justice, particularly for those who cannot afford to pay for their own private court reporter when the court does not have enough court reporters for civil cases. SB 662 will increase access to justice by addressing the critical shortage of court reporters.

For these reasons, CLA supports SB 662.

Sincerely,

Jeremy M. Evans

President

SAMANTHA P. JESSNER PRESIDING JUDGE



DAVID STAYTON EXECUTIVE OFFICER/ CLERK OF COURT

May 4, 2023

The Honorable Anthony J. Portantino Senate Appropriations Committee Chair State Capitol, Room 412 Sacramento, CA 95814

RE: SB 662 - Courts: Court Reporting, as amended April 27, 2023

Dear Senator Portantino and Members of the Senate Appropriations Committee,

All stakeholders agree: the current shocking shortfall in the number of Certified Shorthand Reporters (CSRs) in the California trial courts is a constitutional crisis, with tens of thousands of your constituents each month now deprived of the possibility of meaningful access to justice for the lack of a verbatim record of proceedings.

In 2018, the California Supreme Court found that the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. This falls heaviest on our communities' most vulnerable litigants in family law, probate, and unlimited civil cases, where the Government Code now prohibits the Court from using electronic recording to capture a verbatim record. Many of these litigants are self-represented and unable to afford the exorbitant cost of hiring a private CSR, which can cost up to \$3,300 a day. This places a verbatim record out of the reach of those without significant means, resulting in unequal access to justice for the vast majority of litigants in our Court.

It is not hyperbole to say: no record, no justice.

We, on behalf of the Los Angeles Superior Court, implore the Legislature to fix this problem now via the means set out in Senator Susan Rubio's proposed bill, <u>SB-662 - Courts: court reporters</u>. We reject that the problem represents a mere temporary market imbalance remediable by higher wages and modified working conditions. It is our experience, and that of virtually every other California Superior Court, that a sufficient number of qualified CSRs are neither available now nor will be into the future. The proposition that the "supply of reporters

^{*} Jomeson V. Desta (2018) 5 Cal 5th 594, 608, fr. 1.

Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charges by sumparises is provided to the reporter in the form of compensation and flow much is kept by the company.

SB 662 May 4, 2023 Page 2 of 5

(is) currently adequate" is wrong.³ We would be very pleased if there were such a supply and would gladly welcome them to fill our over 100 CSR vacancies. But there is not, and we all need to look that fact squarely in the face. The question is: what are we, collectively, going to do about it?

The answer cannot be further "wait and see."

This issue is impacting your constituents now up and down California. A parent needing appellate review now of a family law judge's decision to allow her three-year-old to move from California to New York (and thus practically eliminating "frequent and continuing contact") cannot wait and see." A parent needing appellate review now of a family law judge's decision not to permit him to have custody of his eight-year-old daughter because her mother's living space is larger cannot wait and see. A spouse needing appellate review now of a family law judge's decision not to modify a large spousal support order which she cannot pay as a result of an injury and lay off from work cannot wait and see.

A verbatim transcript of proceedings provides more than potential appellate review. Very often self-represented litigants find themselves baffled or overwhelmed by their court proceedings and eventually obtain counsel, pro bono or otherwise, to aid them. A verbatim record enables the litigant to review what occurred during the proceeding and enables them to show it to a lawyer.

Just as litigants in limited civil and misdemeanor proceedings now have the benefit of a verbatim transcript via electronic recording, so, too, should the litigants in the real-life examples above. In fact, electronic recording for permitted case types is currently installed in over 200 of our courtrooms and provides litigants access to an accurate verbatim transcript of their proceedings. That electronic recording transcripts are not (yet) the equal to one created by a CSR—a proposition that would benefit from more fact-finding in our view—is a classic example of making the perfect the enemy of the good. The alternative is the current situation, where there is no verbatim record at all. It cannot be correct that the answer is simply to deny litigants any verbatim transcript while we engage in a further wait and see process.

The shortage of CSRs impacts all 58 counties in California. In Los Angeles County alone, in January and February of 2023, more than 52,000 court proceedings took place without a CSR or electronic recording to capture what occurred during the proceedings. At the current rate, our court projects more than 300,000 cases will be heard in 2023 without any official transcript.

Senate Bill 862 OPPOSE Letter to Senator Susan Rubio from SEIU California, Orange County Employees Association, Deposition Reporters Association, International Union of Operating Engineers, AFCSME, California, CA Court Reporters Association and CA Labor Federation, dated April 3, 2023.

Family Code Section 3030.

[|] Government Code Section 6/957 currently permits electronic recording in limited civil, infraction, and misdomeanor cases.

SB 662 May 4, 2023 Page 3 of S

SB-662, filed by Senator Susan Rubio and sponsored by the Family Violence Appellate Project, would:

- require Court Reporters Board of California (CRB) to evaluate the necessity of requiring
 applicants who have passed either the National Court Reporters Association's (NCRA) or
 the National Verbatim Reporters Association's (NVRA) certification examination to
 demonstrate competency as a certified shorthand reporter and to submit its findings to
 the Legislature during their upcoming regular Joint Sunset Review Oversight Hearings;
- authorize the CRB to replace the state-specific examination requirement with the NCRA's or the NVRA's certification examination if the CRB concludes that the current state-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter;
- If a CSR is unavailable, authorize the Court to electronically record all civil proceedings if approved electronic recording equipment is available;
- require the Court to provide a CSR the right of first refusal to transcribe an electronically reported proceeding; and
- require the Court to make every effort to hire a CSR before electing to electronically record actions or proceedings.

The Court greatly values our CSRs and recognizes their intrinsic role in the justice system. That is why we are grateful for the Court's share of the \$30 million provided by the Legislature this fiscal year to bolster our efforts to recruit and retain CSRs. The Court has undertaken a vigorous and high-profile effort, announcing in February of this year robust signing and retention bonuses, competitive student loan forgiveness and a generous finder's fee. We are hopeful these efforts will yield an expanded CSR workforce to fill the existing 100-plus CSR vacancies.

Despite our ambitious recruitment and retention efforts, the Court's CSR vacancy rate has only grown over the last year. In fact, in the over two months since we announced significant recruitment and retention bonuses, the Court's CSR workforce has continued to decline. This chronic and increasing vacancy rate is the result of several factors:

- CSRs can make much more money in the private sector: While the median courtemployed CSR salary plus benefits exceeds \$183,940 (51% more than other nonmanager court positions), as noted earlier, CSRs in the private sector can earn up to \$3,300 per day (without leaving their home). Notwithstanding money for recruitment and retention, California courts cannot pay CSRs the excessive rates they are earning in the private sector. Even if we could do so today, the private sector has such a demand for the CSRs that they would simply pay above whatever amount the Court was paying.
- People are not choosing a career as a CSR. The number of licensed CSRs is declining significantly: According to the California Department of Consumer Affairs, between FY

Notion a largest Triol Court Lifters Substantian my interes to Restain and Recruit Official Linux Resources Annal Staffing Strating -February 1, 2023

J Gountament Code Section 69059 prevents court-imployer CSRs from repurling remittely.

2013–14 and FY 2020–21, the number of total licensees has declined 17.1% and the number of new license applications has declined 67.2%. The National Court Reporters Association reported that the average age of its court reporters members is approximately 55 years old as of June 30, 2022, and 44% of all active licensed California CSRs were issued at least 30 years ago. In fact, one quarter of the our Court's CSRs have over 25 years of service with the Court, meaning that their tenure with the Court is limited without sufficient replacement CSRs available, previewing a larger crisis on the horizon.

- The result of decreased interest in the profession is the closure of CSR schools. Since 2011, the number of court reporting training programs in California has decreased from 16 to 9.¹¹ A similar trend has been seen nationwide as the number of open court reporter training programs approved by the National Court Reporters Association has declined from 54 in 2012 to 22 today.¹²
- The CSR licensing exam is notably difficult: Despite having spent years in court reporter training schools at significant expense, fewer than 20% of test-takers have passed the certification test over the past five years, resulting in an average of only 53 newly certified CSRs in the State of California per year.¹³
- Courts are competing against each other to recruit newly-licensed CSRs: According to a
 recent survey conducted by the Judicial Council of California, 74.5% of courts are
 actively recruiting CSRs. Since July 1, 2022, in the California courts, 97 CSRs vacated their
 positions and only 46 CSRs were hired, representing a net loss of 51 reporters. Of those
 46 new hires, 34.8% came from other California courts.

The current situation is untenable and unacceptable for courts, judicial officers, attorneys and, most importantly, the litigants we serve and you represent. At the current rate of CSR attrition, our Court projects being unable to provide enough CSRs to cover even statutorily-mandated case types such as felony criminal and juvenile justice proceedings by 2024.

SB-662 is the first step in addressing this constitutional crisis. The bill balances the great value of and preference for court-employed CSRs (a goal we all share) with the reality of the supply inadequacy.

It cannot be lost on the Committee that the solution to this problem has already been sanctioned by the Legislature in allowing electronic recording in limited civil, certain criminal,

^{*} Department of Consumer Affairs: Data portal, www.dca.ca.gov/ilain/gnm.sol. license. stays.shimi.

^{*}National Court Reporters Association, www.ncm.nre/home/sbout-ncm/NCRA-Statistics

In Department of Consumer Affairs, Licensee List (as of Jan. 2023). www.dca.ca.gov/consumers/public Info/indma.simnii.

⁴³ California Trial Court Consortium, The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond, https://www.assuyou.courts.co.gov/system/files/files-court-reporter-shortage-1-2022 and California Court Reporters Association webpage at https://www.cal-corn.org/court-reporting-schools

National Court Reporters Association: https://www.ncrs.nry/docs/default-source/upios-decilles/education/2015-ncrs-annual-school-coord-final-pdf1sfvrsn=f1e37372_0 and https://www.ncrs.org/home/students-teachers/schools-and-programs/ncrs-approved-court-reporting-programs

Court Reporters Board Dictation Examination Statistics

SB 662 May 4, 2023 Page 5 of 5

and traffic matters. Recognizing that the Legislature endeavors to pass laws that ensure equal access and equal protection to all litigants no matter their income, passing SB-662 expands an already accepted method of capturing court proceedings. In fact, in 2022, over 500 appeals of matters in evictions, criminal cases, and other limited jurisdiction matters were electronically recorded and reviewed and decided by our Appellate Division without incident. By authorizing electronic recording in all civil case types, litigants in family law, probate, and unlimited civil proceedings, who currently do not have access to any verbatim record of their proceedings, will join litigants in limited civil, misdemeanor, and traffic matters who benefit from access to an electronically-produced verbatim record of their proceedings.

We implore the Committee to act. Without this legislative solution, the Court cannot uphold our chief mission of providing timely and equal access to justice to all we serve.

We are hopeful you and fellow members of the Senate Appropriations Committee will stand with the thousands of litigants – your constituents – who appear in courtrooms every day throughout California, where important and impactful decisions are made about their lives, children, finances, and more, and, yet, they leave without anything approaching a verbatim record of the proceedings. Passage of SB-662 would remedy this obvious manifestation of justice for the rich but not for the poor in our court system. We look forward to your support of this bill during your May 8 hearing. Thank you for continuing to support the Court's efforts to expand and ensure access to justice for all of your constituents.

Sincerely,

Samantha P. Jessner

Presiding Judge

David W. Slayton

Executive Officer/Clerk of Court

Hon. Susan Rubio

Hon. Brian W. Jones, Vice Chair of the Senate Appropriations Committee
Hon. Angelique V. Ashby, Member of the Senate Appropriations Committee
Hon. Steven Bradford, Member of the Senate Appropriations Committee
Hon. Kelly Seyarto, Member of the Senate Appropriations Committee
Hon. Alcha Wahab, Member of the Senate Appropriations Committee
Hon. Scott D. Wiener, Member of the Senate Appropriations Committee
Cory Jasperson, Director of Governmental Affairs, Judicial Council of California
Shelley Curran, Chief Policy and Research Officer, Judicial Council of California

SAMANTHA P. JESSNER PRESIDING JUDGE



EXECUTIVE DIFFICER/

January 10, 2024

The Honorable Anthony J. Portantino Senate Appropriations Committee Chair State Capitol, Room 412 Sacramento, CA 95814

RE: SB 662 (Rubio) Courts: Court Reporters, as amended April 27, 2023

Dear Senator Portantino and Members of the Senate Appropriations Committee,

The current shortfall in the number of Certified Shorthand Reporters (CSRs) in the California trial courts is a constitutional crisis, with tens of thousands of your constituents each month deprived of the possibility of meaningful access to justice for the lack of a verbatim record of proceedings.

We implore this committee to <u>act now</u> to solve this crisis with a readily available solution: pass without haste <u>58 662 (Rubio)</u> from committee, which would revise the restrictions on electronic recording contained in Government Code section 69957. These restrictions ultimately create a significant equal access to justice issue by permitting litigants in misdemeanor, limited civil and infraction matters to have access to appellate review while denying such review to litigants in family law, probate and unlimited civil cases. Put differently, without this change, a person who is facing eviction is entitled to a record created by electronic recording but a child custody matter in which the child will be allowed to have no or little contact with a parent is not entitled to a record of any sort; only silence.

We also want to assure you that our court is not seeking to eliminate court reporters' jobs; in that regard, look at our actions. The Court greatly values our CSRs and recognizes their intrinsic role in the justice system. That is why we are grateful for the Court's share of the \$30 million provided by the Legislature this fiscal year to bolster our efforts to recruit and retain CSRs. The Court has undertaken a vigorous and high-profile effort, announcing robust signing and retention bonuses, competitive student loan forgiveness and a generous finder's fee.¹

Despite our Court's strident efforts, this crisis has not abated since we last wrote to you regarding this issue in May 2023. In 2023 alone, because of the severe court reporter shortage

Medium's Lumest Trial Court Offers Substanced Incomines to Retroit and Record Official Court Reporters Amid Staffing Strangar, February 1, 2023. Incentives increased in September 2023: Nation's Largest Trial Court Expents Unprecedented Recruitment and Retention Court Reporter Shortage.

58 662 January 10, 2024 Page 2 of 6

and statutory restrictions on electronic recording, over 300,000 hearings took place in the Superior Court of Los Angeles County without a CSR or electronic recording to capture what occurred during the proceedings, leaving litigants without access to a verbatim record of their proceedings.

In 2018, the California Supreme Court found that the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. This falls heaviest on our communities' most vulnerable litigants in family law, probate, and unlimited civil cases, where the Government Code now prohibits the Court from using electronic recording to capture a verbatim record. Many of these litigants are self-represented and unable to afford the exorbitant cost of hiring a private CSR, which can cost up to \$3,300 a day. This places a verbatim record out of the reach of those without significant means, resulting in unequal access to justice for the vast majority of litigants in our Court.

It is not hyperbole to say: No record, no meaningful access to appellate review.

We, on behalf of the Superior Court of Los Angeles County, implore the Legislature to fix this problem now via the means set out in SB 662. We reject that the problem represents a mere temporary market imbalance remediable by higher wages and modified working conditions. It is our experience, and that of virtually every other California Superior Court, that a sufficient number of qualified CSRs are neither available now nor will be into the future. The proposition that the "supply of reporters (is) currently adequate" is wrong. We would be very pleased if there were such a supply and would gladly welcome them to fill our over 100 CSR vacancies. But there is not, and we all need to look that fact squarely in the face. The question is: What are we, collectively, going to do about it?

The answer cannot be further 'wait and see.'

This issue continues to impact litigants **now** up and down California. A parent needing appellate review **now** of a family law judge's decision to allow her three-year-old to move from California to New York (and thus practically eliminating 'frequent and continuing contact') cannot wait and see. A parent needing appellate review **now** of a family law judge's decision not to permit him to have custody of his eight-year-old daughter because her mother's living space is larger cannot wait and see. A spouse needing appellate review **now** of a family law judge's decision not to modify a large spousal support order which she cannot pay as a result of an injury and layoff from work cannot wait and see.

² Jameson V. Desta (2018) 5 Cal.5th 594, 606, fn. 1.

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A Senate Bill 552 DPPOSE Littler to Senator Susan Rubio from Selid Childrenia, Drange County Employees Association, Deposition Reporters Association, International Union of Operating Engineers, AFCSMC, California, Ca Court Reporters Association and Children Federation, dated April 3, 2023

Family Code Section 3070

58 662 January 10, 2024 Page 3 of 6

A verbatim transcript of proceedings provides more than potential appellate review. Very often self-represented litigants find themselves baffled or overwhelmed by their court proceedings and eventually obtain counsel, pro bono or otherwise, to aid them. A verbatim record enables the litigant to review what occurred during the proceeding and enables them to show it to a lawyer.

Just as litigants in limited civil and misdemeanor proceedings now have the benefit of a verbatim transcript via electronic recording, so, too, should the litigants in the real-life examples above. In fact, electronic recording for permitted case types is currently installed in hundreds of our courtrooms and provides litigants access to an accurate verbatim transcript of their proceedings. That electronic recording transcripts are not the equal to one created by a CSR – a proposition that is not borne out by modern technology and our experience with over 500 appeals handled by our Court per year derived from electronic recording that are accurate and competent – is a classic example of making the perfect the enemy of the good. The alternative is the current situation, where there is no verbatim record at all. It cannot be correct that the answer is simply to deny litigants any verbatim transcript while we explore all possible avenues for expanding the pool of CSRs to meet the need in our courts today.

The shortage of CSRs impacts all 58 counties in California. It's worth repeating that in Los Angeles County alone, over 300,000 court proceedings took place in 2023 without a CSR or electronic recording to capture what occurred during the proceedings, forcing hundreds of thousands of litigants to leave court without any official transcript of what transpired in their case, effectively eliminating their ability to appeal.

SB 662, filed by Senator Susan Rubio and co-sponsored by the Legal Aid Association of California and the Family Violence Appellate Project, would:

- require the Court Reporters Board of California (CRB) to evaluate the necessity of requiring applicants who have passed either the National Court Reporters Association's (NCRA) or the National Verbatim Reporters Association's (NVRA) certification examination to demonstrate competency as a certified shorthand reporter and to submit its findings to the Legislature during their upcoming regular Joint Sunset Review Oversight Hearings;
- authorize the CRB to replace the state-specific examination requirement with the NCRA's or the NVRA's certification examination if the CRB concludes that the current state-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter;
- if a CSR is unavailable, authorize the Court to electronically record all civil proceedings if approved electronic recording equipment is available;

Government Code Section 5 7957 currently permits electronic recording in limited civil, infraction, and misdemeanor cases.

SB 662 January 10, 2024 Page 4 of 6

- require the Court to provide a CSR the right of first refusal to transcribe an electronically reported proceeding; and
- require the Court to make every effort to hire a CSR before electing to electronically record actions or proceedings.

Despite our ambitious recruitment and retention efforts, the Court's CSR vacancy rate has only grown over the last year. In fact, in the 11 months since we announced significant recruitment and retention bonuses, the Court's CSR workforce has continued to decline. This chronic and increasing vacancy rate is the result of several factors:

- CSRs can make much more money in the private sector: While the median courtemployed CSR salary plus benefits exceeds \$183,940 (51% more than other nonmanager court positions), as noted earlier, CSRs in the private sector can earn up to \$3,300 per day (without leaving their home). Notwithstanding money for recruitment and retention, California courts cannot pay CSRs the rates they are earning in the private sector. Even if we could do so today, the private sector has such a demand for the CSRs that they would simply pay above whatever amount the Court was paying.
- People are not choosing a career as a CSR. The number of licensed CSRs is declining significantly: According to the California Department of Consumer Affairs, between FY 2013—14 and FY 2021—22, the number of total licensees has declined 19.2% and the number of new license applications has declined 70.1%. The National Court Reporters Association reported that the average age of its court reporters members is approximately 55 years old as of December 31, 2022, and 44% of all active licensed California CSRs were issued at least 30 years ago. In fact, one quarter of the Court's CSRs have over 25 years of service with the Court, meaning that their tenure with the Court is limited without sufficient replacement CSRs available, previewing a larger crisis on the horizon.
- The result of decreased interest in the profession is the closure of CSR schools. Since 2011, the number of court reporting training programs in California has decreased from 17 to 8.¹¹ A similar trend has been seen nationwide as the number of open court reporter training programs approved by the National Court Reporters Association has declined from 54 in 2012 to 22 today.¹²
- The CSR licensing exam is notably difficult: Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023 and July 2023), only 31.7% passed.¹³

T Government Code Section 69959 prevents court-employee CSRs from reporting remotely.

^{*} Department of Consumer Affairs: Data portal, www.dco.co.gov/dota/onnuor nomise stat..shtml.

National Court Reporters Association, www.ncra.org/noorg/abnut-ecra/NCRA-Statistics

Department of Consumer Affairs, Licensee List (as of Jan. 2023). www.dca.ca.gov/spinoumers/public info/idex.at/mil.

II Bloomberg Law, Assering Court Reporters Wolf as Ealifornia Courts Strugglig, December 11, 2023

If reactional Court Reporters Association: https://www.ncra.org/dors/default-source/isolandedfiles/education/2015-ncra-annuals-land-source/isolandedfiles/source/1637372 Danie https://www.ncra.org/home/source/source/schooland-programs/ocra-annualcourt-reporting-programs

¹³ Court Reporters Board, School Examination Statistics, www.courtenorrersboard.ca.sov/cophocyta/examilate.ahtml

SB 662 January 10, 2024 Page 5 of 6

Courts are competing against each other to recruit newly licensed CSRs: According to a
recent survey conducted by the Judicial Council of California, 74% of courts are actively
recruiting CSRs. From January 1 – September 30, 2023, 84.1 Full Time Equivalent (FTE)
CSRs vacated their positions in California courts and only 69.3 FTE CSRs were hired,
representing a net loss of 14.8 FTE CSRs. Of those 69.3 new hires, 23.8% came from
other California courts.³¹

The current situation remains untenable for courts, judicial officers, attorneys and, most importantly, the litigants we serve. At the current rate of CSR attrition, our Court projects being unable to provide enough CSRs to cover even statutorily mandated case types such as felony criminal and juvenile justice proceedings within the next year.

SB 662 is the first step in addressing this constitutional crisis. The bill balances the great value of and preference for court-employed CSRs (a goal we all share) with the reality of the supply inadequacy.

The Committee should be aware that the solution to this problem has already been sanctioned by the Legislature in allowing electronic recording in limited civil, certain criminal, and traffic matters. Passing SB 662 expands an already accepted method of capturing court proceedings. In fact, in 2022, over 500 appeals of matters in evictions, criminal cases, and other limited jurisdiction matters were electronically recorded and reviewed and decided by our Appellate Division without incident. By authorizing electronic recording in all civil case types, litigants in family law, probate, and unlimited civil proceedings, who currently do not have access to any verbatim record of their proceedings, will join litigants in limited civil, misdemeanor, and traffic matters who benefit from access to an electronically-produced verbatim record of their proceedings when a CSR is unavailable.

We implore the Committee to act. Without this legislative solution, the Court cannot uphold our chief mission of providing timely and equal access to justice to all we serve.

We are hopeful you and fellow members of the Senate Appropriations Committee will stand with the thousands of litigants who appear in courtrooms every day throughout California, where important and impactful decisions are made about their lives, children, finances, and more, and, yet, they leave without anything approaching a verbatim record of the proceedings. Passage of SB 662 would remedy this inequitable situation which results in a record being available only to those who have the means to pay for a private CSR. We strongly urge your support of this bill during your January 18 hearing. Thank you for continuing to support the Court's efforts to expand and ensure access to justice for all Californians.

Sincerely,

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SB 662 January 10, 2024 Page 6 of 6

Samantha P. Jessner

Presiding Judge

David W. Slayton

Executive Officer/Clerk of Court

E: Hon, Susan Rubio

Hon. Brian W. Jones, Vice Chair of the Senate Appropriations Committee

Hon. Angelique V. Ashby, Member of the Senate Appropriations Committee

Hon Steven Bradford, Member of the Senate Appropriations Committee

Hon Kelly Seyarto, Member of the Senate Appropriations Committee

Hon. Alsha Wahab, Member of the Senate Appropriations Committee

Hon, Scott D, Wiener, Member of the Senate Appropriations Committee

Cory Jasperson, Director of Governmental Affairs, Judicial Chuncil of California

Shelley Curran, Administrative Director, Judicial Council of California

SB 662: Courts: court reporters

Supporting Organizations (as of 4/21/2023)

Taken From 4/21/2023 Senate Business, Professions and Economic Development Committee Analysis Published Here:

Support:

- A Window Between Worlds
- Advocates for Child Empowerment and Safety
- Asian Americans for Community Involvement
- Asian Women's Shelter
- Bet Tzedek
- California Advocates for Nursing Home Reform
- California Defense Counsel
- California Judges Association
- California Lawyers Association
- California Partnership to End Domestic Violence
- California Protective Parents Association
- California Women's Law Center
- Central California Family Crisis Center, INC.
- · Centro Legal de la Raza
- · Community Legal Aid Socal
- Consumer Attorneys of California
- Disability Rights California
- Disability Rights Education and Defense Fund
- Elder Law and Disability Rights Center
- Empower Yolo
- Family Violence Appellate Project
- Family Violence Law Center
- Healthy Alternatives to Violent Environments
- Impact Fund
- Inner City Law Center
- Judicial Council of California
- Legal Aid Association of California
- Legal Aid Foundation of Los Angeles
- Legal Aid of Marin
- Legal Aid Society of San Diego
- Legal Assistance to the Elderly
- Logal Services for Prisoners With Children
- Legislative Coalition to Prevent Child Abuse

- Los Angeles Center for Law and Justice
- Lumina Alliance
- McGeorge School of Law Community Legal Services
- National Health Law Program
- Neighborhood Legal Services of Los Angeles County
- Next Door Solutions to Domestic Violence
- OneJustice
- Solano County Superior Court
- Superior Court of Los Angeles County
- The People Concern
- Western Center on Law & Poverty



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May 17, 2023

Senator Susan Rubio C/O Ms. Krystal Moreno Legislative Director 1021 O Street, Suite 8710 Sacramento, CA 95814

Dear Senator Rubio

The Beverly Hills Bar Association is an organization of more than 4,000 legal professionals founded in 1931. The mission of the bar is to lead, advocate, and serve the greater Los Angeles legal community, including through legislative advocacy relevant to our members. BHBA has one of the largest Family Law Sections in the country, with that Section representing a significant portion of BHBA's membership. The recent loss of court reporters provided by the court in Los Angeles county in November 2022 has impacted all such members and litigants in the civil court system, particularly in the family court system.

On behalf of the Board of Governors of the Beverly Hills Bar Association, I am writing to express our strong support for SB 662, a bill that will have a significant and positive impact on the civil and family court system in California. By allowing electronic recording in civil courtrooms, including family law courtrooms, and expanding the licensing of court reporters, SB 662 will help ensure that all Californians have access to justice, regardless of their income or location.

California's family courts have been grappling with a shortage of court reporters, which has disproportionately affected low-income litigants, many of whom represent themselves in court. The lack of an official record of court proceedings can lead to confusion, miscommunication, and difficulties in enforcing court orders. It also makes it difficult to appeal cases as there is no official record, limiting access to justice. By amending Section 69957 of the Government Code and adding Section 69957.5, SB 662 addresses this issue by permitting the use of electronic recordings when court reporters are unavailable and mandating that the Judicial Council adopt rules and standards for their use.

Furthermore, there is roughly a population of 39 million people in California. The lack of court reporters affects approximately well over 13 million people or approximately one third of the population of California. The result of this is that at least a third of the population in the most-populous cities and counties in California will face a different quality of justice without this simple change to electronic recordings than people in the rest of the state. The bill also offers protections to court reporters because electronic recordings are only to be used when there is no availability of an official court reporter.

Currently, the average cost of a private court reporter is crippling (the only option for many civil litigants). The appearance fee just to show up is up to



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\$3200 a day depending on the court reporter firm and their availability. As there is a shortage of court reporters, this fee may only increase in time. This does not include the cost for the preparation of transcripts which can cost as much as several hundred dollars to several thousand dollars depending on the length of the proceedings, as court reporters often charge by the page and by word and based off of the amount of time that the document needs to be prepared. This places it out of the price of many people – the average minimum wage job in Los Angeles county earns only \$2600 a month. The inability to have a court reporter disproportionally affects low income litigants, who are mostly in pro per and already at a disadvantage by representing themselves (which is at least 70% of all family law cases). It is an even more impossible choice for families to make to choose between having a lawyer or having a court reporter in their family law matter.

The existing technology and infrastructure in the Los Angeles County court system can address this issue. The courts have an LACC court system which has almost all civil proceedings available for remote appearances through use of video and audio technology. This is a system with pre-existing infrastructure in the courtrooms, and can be adapted, if not already in place, for judicial council approved use to record proceedings.

SB 662 is a vital piece of legislation that will help level the playing field for Californians navigating the civil and family court system. It will provide an adequate record for all litigants, which is essential for the enforcement of court orders, including those related to domestic violence and child custody. By addressing the court reporter shortage and enabling the use of electronic recordings, this bill will make the pursuit of justice more accessible and equitable for all Californians.

Thank you for your time and consideration, and for your commitment to improving access to justice in our state.

Sincerely,

MALCOLM MCNEIL

Partner, ArgentFox Schiff LLP

President, Beverly Hills Bar Association

ALPHONSE F. PROVINZIANO, ESQ.

Certified Family Law Specialist

Chairperson, Solutions for Family Law Committee

Secretary-Treasurer, Beverly Hills Bar Association Board of Governors



California Protective Parents Association

January 8, 2024

The Honorable Anthony Portentino
Chair of the Senate Appropriations Committee
California State Capitol Building, Room 412
Sacramento CA 95814

RE: SB 662 (Rubio) Court Record SUPPORT

Dear Senator Portantino:

California Protective Parents Association is a non-profit organization focused on protecting abused children in family court custody disputes through research, education and advocacy.

We are writing in strong SUPPORT of SB 662 Court Record bill by Senator Susan Rubio. It is a common sense response to a crisis in our courts. A national <u>survey</u> by Geraldine Stahly PhD found that over half (57%) of California family courts hearings were held without court reporters.

The lack of court reporters in California courts affects the safety and rights of survivors of domestic violence who rely on the court 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. Court reporters are not required to be at 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.

There are not enough court reporters to cover all the courts. Litigants must pay high prices for a live court reporter which creates a two-tiered justice system. Rich people get the gold standard of live court reporters. The rest of the litigants do not even get a record of their hearing. Electronic recording works. It is being used in evictions, small claims, criminal misdemeanors, and infractions cases. The technology is there now and justice demands we use it. We also need to hold courts accountable to recruit, hire and retain court reporters. SB 662 does both.

We urge you to approve SB 662, a critical bill to ensure justice for all.

Sincerely, Sandy Ross, President

> 2938 Adeline Street, Oakland CA 94608 310-910-1380 www.caprolectiveparents.org



May 5, 2023

The Honorable Anthony Portantino Chair, Senate Appropriations Committee 1021 O Street, Suite 7630 Sacramento, CA 95814

RE: Support Letter SB 662 (Rubio) Universal Access to Court Records: Electronic Recording

Dear Chair Portantino:

Family Violence Appellate Project, co-sponsor of SB 662, along with 14 other organizations serving domestic violence survivors writes in enthusiastic support of SB 662. As organizations that supports survivors of domestic violence, we know the importance of a verbatim record of court proceedings. Our clients rely on the court 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. Court reporters are not required to be at these hearings. However, a record of what happens at these hearings is necessary for many important reasons.

First, there is a particular need for a reporter's transcript in family law proceedings involving domestic violence issues because law enforcement officers are often called upon to enforce domestic violence restraining orders, or child custody and visitation orders that address family violence issues. In these cases, transcripts are needed to craft an accurate post-hearing written order that can be enforced by law enforcement officers.

Second, In custody and visitation cases where the issues are litigated and revisited over many years, transcripts are needed for the court to assess whether there have been significant changed circumstances since the initial determination. Having the transcript from the initial custody or visitation determination provides the court with a factual baseline of the parties' previous behavior to help the judge assess whether alterations to custody or visitation schedules are warranted.

Third, in many California counties, judges serve only one or two years in family court before moving on to another courtroom assignment. As a result, domestic violence survivors are assigned to multiple judges if the case spans more than one or two years, which happens frequently as parents request revisions to custody and visitation determinations over time. Without a transcript detailing the precise basis for

Support for SB 662 May 5, 2023 Page 2

the original order, the new family law judge is at a disadvantage in assessing and handling the case.

Fourth, the lack of a reporter's transcript is a particularly severe problem for appeals in family violence cases where the volume of family law and domestic violence cases means that written opinions are the exception, not the rule. As a result, it is nearly impossible to appeal wrong or dangerous decisions since a party may not raise evidentiary issues, or other issues dependent on trial court proceedings or rulings not included in a written order, unless there is a reporter's transcript. (See Jameson v. Desta (2015) 241 Cal.App.4th 491, 504 [holding that because "the record on appeal does not contain a reporter's transcript," Jameson was "precluded from obtaining a reversal of the trial court's ruling granting Desta's motion for nonsult"]; Foust v. San Jose Construction Co. (2011) 198 Cal.App.4th 181, 185-186) ["In numerous situations, appellate courts have refused to reach the merits of an appellant's claims because no reporter's transcript of a pertinent proceeding or a suitable substitute was provided."].)

Since 2015 people who qualify for a fee waiver have had the right to request a free court reporter. However, what we know from expenence is that courts often have to continue our clients' cases for weeks or months before a court reporter is available. Preparing to go to court repeatedly is traumatic for our clients and stretches our agencies resources unnecessarily. It also unnecessarily strains courts resources.

SB 662 has the capacity to change this dynamic, even with no or few additional financial resources. Our best information is that nearly half of the courts in California are already equipped with electronic recording equipment, because there are many types of cases that can be electronically recorded already. SB 662 will allow courts to turn on this equipment in other civil cases, including domestic violence and family law matters, when a court reporter is not available. The additional costs to monitor the equipment, store the digital record, and respond to requests for these records will be minimal, and well worth the results.

In addition, 51 of California's 58 courts use Zoom for remote hearings. SB 662 could allow the 51 of 58 county courts that use zoom for remote hearings to record via zoom, subject to the existing electronic recording requirements and rules. While dedicated funds for court reporters can never be used for electronic recording costs, courts could use other parts of their budgets to equip additional hearings or to hire recording equipment monitors, technicians, and clerks to properly store and control access to electronic recordings.

Finally, it is important to acknowledge the costs to California as a whole, when verbatim records are not available. Gender-based violence is a leading cause of homelessness. Likewise, domestic violence survivors often lose employment as a

⁽McLaughlin, 2017).

Support for SB 662 May 5, 2023 Page 3

result of abuse.² California has strong laws to protect survivors from experiencing homelessness and economic deprivation as a result of abuse. However, those laws cannot be implemented if wrong decisions are insulated from appeals and right decisions cannot be enforced because of a lack of a record. Without a record litigants will have no choice but to return to court repeatedly and courts will bear the cost of numerous trial court hearings to rehash already determined questions of fact and law, or to try and enforce unrecorded decisions.

For these reasons we strongly support SB 662 and urge this committee's aye vote on SB 662.

Sincerely,

FAMILY VIOLENCE APPELLATE PROJECT

Jennafer Dorfman Wagner, Esq. Director of Programs

Erin Scott Family Violence Law Center

Carmen McDonald Los Angeles Center for Law and Justice

Lynnette Irlmeier Empower Yolo

Mary Culver Central California Family Crisis Center, Inc.

Orchid Pusey Asian Women's Shelter

Jennifer Adams Lumina Alliance

U. J. of Gender, Soc. Policy & the L. 987, 996-997 (2011).

Support for SB 662 May 5, 2023 Page 4

> Aylin Acikalin ADZ Law LLC

Christy Turek Rials A Window Between Worlds

May Rico Healthy Alternatives to Violent Environments (HAVEN)

Colsaria Henderson Next Door Solutions to Domestic Violence

Vaughn Villaverde, MPH Asian Americans for Community Involvement (AACI)

Kristin Aster The People Concern

Melissa Knight-Fine Legislative Coalition To Prevent Child Abuse

Christine Smith California Partnership to End Domestic Violence

CC: Honorable Members, Senate Committee on Appropriations Senator Brian W. Jones

Senator Brian W. Jones
Senator Angelique V. Ashby
Senator Steven Bradford
Senator Kelly Seyarto
Senator Aisha Wahab
Senator Scott D. Weiner
Matthew Fleming, Consultant
Janelle Miyashiro, Consultant



April 11, 2023

The Honorable Thomas J. Umberg Chair, Senate Committee on Judiciary 1021 O Street, Suite 6730 Sacramento, CA 95814

RE: Support Letter SB 662 (Rubio) Universal Access to Court Records: Electronic Recording

Dear Chair Umberg:

The Legal Aid Association of California (LAAC) writes to express our strong support, along with the support of the undersigned organizations, for SB 662 (Rubio), a bill which we are proud to cosponsor. SB 662 will ensure due process to low-and moderate- income litigants disproportionately affected due to a lack of certified shorthand court reporters (CSRs). It will do so by providing an option for electronic recording—in the absence of an available court reporter—to produce a record of the proceeding. In addition, this bill will help build a workforce pipeline for CSRs by establishing a provisional certificate and creating a pathway for court reporters to enter into the field and court system.

LAAC is a statewide membership association of over 100 nonprofits that provide free civil legal services to low-income people and communities throughout California. LAAC member organizations provide legal assistance on a broad array of substantive issues, ranging from general poverty law to civil rights to immigration, and also serve a wide range of low-income and vulnerable populations. LAAC serves as California's unified voice for legal services and is a zealous advocate advancing the needs of the clients of legal services on a statewide level regarding funding and access to justice.

The California Supreme Court ruled in Jameson v. Desta¹ that all people have a right to a verbatim record of their proceeding. Right now, that right is being denied to thousands of Californians every day.

While the number of cases filed in California courts increases every year, the number of certified shorthand reporters in California has decreased by over 17% in the past decade; Most shorthand

[&]quot;Accordingly, we conclude 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 forms pauperis litigants upon request." 5 CALSTH 594, 599 (Cal. 2018).

Department of Consumer Alfairs: Data portal, www.dca.co.gov/data/annual_license_stats.shtml. The same data shows that new license applications have declined 67.2 in that same period, only 39 new licenses were issued in 2020–21, and the exam pass rate in California hovers around 25%. In addition, the average age of court reporters nationally was 55 as of June 30, 2022 (National Court Reporters Association, www.ncra.org/home/aboutncra/NCRA-Statistics).

Legal Aid Fights for Justice: We Fight for Them:



reporting takes place outside the courtroom in depositions, administrative hearings, and other private litigation proceedings. This has resulted in a statewide shortage of court reporters, and consequently, litigants being unable to access a verbatim record of their case. This statewide shortage has severely affected family law matters, where 75% of cases involve self-represented litigants.¹

This bill's apponents argue that no shartage of court reporters exists. But to argue that the supply of court reporters is adequate is to ignore mountains of evidence to the contrary.4

- CEOs of every court in the state have made abundantly clear that they do not have the court
 reporters they need.⁵ They report that over 50% of California courts are routinely unable to
 cover civil, family law, and probate cases.⁶
- Empirical evidence regarding the number of court reporters licensed in the state indisputably demonstrates the shortage as well.¹
- Perhaps the clearest evidence of the shortage of all is the sheer volume of proceedings for
 which no record is currently being made. For example, 52,000 proceedings were held without a
 record in LA in January and February of this year. Court staff estimates this number will exceed
 300,000 this year if nothing is changed. And this figure does not account for the huge volume of
 cases that have been repeatedly continued for lack of an available reporter.

SB 662 will allow electronic recording, only in cases where no CSR is available, protecting the rights of court users while also supporting the CSR pipeline.

Electronic recording of court proceedings is already widely used and is a viable option to address the crisis we currently face. It is used in California-based federal courts, in state criminal courts, and widely throughout the rest of the country. In fact, California is one of only three states in the country that

³ Jameson, supro note 1 at 240.

^{*} See, e.g., Judicial Council of California, Fact Sheet: Shortage of Certified Shorthand Reporters in California (Mat. 2023), https://www.kern.courts.ca.gov/system/files/general/fact-sheet-shortage-certified-shorthand-reporters-california-002.pdf; Superior Courts of California, There is a Count Reporter-Shortage Crisis in California (Nov. 2, 2022), https://www.saccourt.ca.gov/general/docs/superior-courts-of-california-news-release-statement-re-court-reporter-shortage-Pdf; The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond (Jan. 25, 2022), Prepared for California Trial Court Consortium,

https://www.sisklyou.courts.ca.gov/system/files?file=court-reporter-shortage-1-2022.pdf/.

See, e.g., There is a Court Reporter Shortage Crisis in Cautornia, Press Release, November 2, 2022, https://www.sierra.courts.ca.gov/system/files/general/court-reporter-shortage.pd/

^{1 /}d at 2

¹ JUDICIAL COUNCIL OF CAUFORNIA, SUPRE Note 4.

Legal Aid Fights for Justice, We Fight for Thurn.



makes minimal use of electronic recording in state courts. There is no better evidence that electronic recording is a workable solution than that, where it is already allowed, it is utilized effectively and without major incident.

This bill's opponents argue that electronic recording is imperfect and court reporters have an incomparable advantage. We agree that a court reporter is preferable to an electronic recording but, ultimately, what matters most is not how the record produced, just that it is produced. In fact, we believe that a certified shorthand reporter is the gold standard in creating a verbatim record. However, an electronic recording being less desirable than a record taken by a court reporter does not mean that an electronic recording is unusable or that it jeopardizes the integrity of the court process in any way. Pointing out isolated examples of problems with electronic recording does not change that.

This bill's apponents argue that allowing electronic recording creates a two-tiered system with one standard for those who have and another for those who do not. But the status quo is already a two-tiered system and one that is infinitely more harmful. Right now, those who can afford to hire a court reporter get a record of their case, and those that cannot get no record at all. SB 662 will bring these two existing tiers closer together by providing a verbatim record for tens of thousands of people where none currently exists. By providing an electronic recording, at least all people will have a record of their case.

A lack of a verbatim record has a profoundly negative impact on court users.

A verbatim record of what happens at hearings is crucial to understanding what the judge has ordered and is essential to appeal the outcome of a proceeding. As the California Supreme Court wrote in Jameson v. Desta in 2018: "[T]he absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits." The lack of a verbatim record also makes appealing a wrong or dangerous decision nearly impossible. For example, child custody and visitation orders should be modified when there is a change in circumstances that affects a child's best interest, but a record is necessary to establish what the original circumstances were. This also comes at a tremendous burden and financial cost for missed work, childcare, transportation, etc. For domestic violence survivors of abuse, the emotional toll is also

NATIONAL COURT REPORTERS ASSOC., COURT REPORTING INDUSTRY OUTLOOK (2013–14), https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14_ncra_industry_outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2_0.

^{# 5} CALLSTH 594, 622 (Cal. 2018), See also Commission on the Future of Caufornia's Court System, Report to the Chief-Justice 240 (2017) ("Providing an official record is essential to equal access, transparency, and fundamental fairness.").

Legal Aid Fights for Justice: We Fight for Them.



significant and can be detrimental to their individual circumstance. Importantly, even when a court user does not seek to appeal, having a transcript helps them understand what happened during the case and what the result is.

This bill's apparents argue that before electronic recording is allowed, we should give the Legislatures financial investments time to play out. But it is unacceptable to continue to deny hundreds of thousands of people, most of them low-income and/or unrepresented, their right to a verbatim record while we wait. SB 662 offers a solution to prevent irreparable harm while we continue to work toward better CSR availability.

5B 662 is uniquely positioned to be successful because of its two-pronged approach: it addresses the problem both by increasing the supply of court reporters available AND by providing a solution for the thousands of people not currently getting any record of their case.

This bill's opponents argue that it will eliminate court reporter jobs. But the bill's unique approach will do precisely the opposite. There is no logical basis to assume that allowing electronic recording, only when there is no other option, will lead to a loss of court reporter jobs. In fact, this bill will force courts to hire more reporters and lessen the need for electronic recording.

Unlike any previous bill that attempted to repeal the statutory prohibition on electronic recording, SB 662 goes much further. In an effort to help people in need, while also supporting the CSR community, SB 662 makes specific efforts to increase the supply of CSRs in courts. Not only does it create a provisional licensing program so that more CSRs will be available for courts to hire, it also creates accountability for courts in their recruitment and hiring practices. For the first time in the many years that the legislature has allocated millions of dollars to courts to hire court reporters, SB 662 would require courts to report back to the legislature on how that money is or isn't being spent, increasing transparency.

Again, we agree that the ideal situation is to have a certified shorthand reporter in every proceeding. That is why this bill takes important steps to increase the supply of reporters in courts. But, until those impacts can be felt, something must be done to protect the people that are currently suffering the abridgement of their ability to use the court system by failing to give them what they need to appeal as well as understand the outcome of their case.

LAAC has been involved in advocacy around this topic for several years, from Jameson to now. It is an important issue to us, and we see SB 662 as the solution we have been looking for to ensure universal access to a record. SB 662 is a critical measure that will ensure individuals and families receive due.

Legal Aid Fights for Justice. We Fight for Them.



process and access to justice. We respectfully ask for your "AYE" vote when this bill comes before your committee.

Sincerely,

Fre How

Lorin Kline, Director of Advocacy

Jeffrey Webb

Bet Tzedek

Maura Gibney

California Advocates for Nursing Home Reform

Monique Berlanga

Centro Legal de la Raza

Kate Marr

Community Legal Aid SoCal

Melissa Brown

Community Legal Services, McGeorge School

of Law

Eric Harris

Disability Rights California

Claudia Center

Disability Rights Education and Defense Fund

Brooke Weitzman

Elder Law and Disability Rights Center

Teddy Basham-Witherington

Impact Fund

Mahdi Manji

Inner City Law Center

Stephanie Davidson

Legal Aid Foundation of Los Angeles

Josh Sullivan

Legal Aid of Marin

Gregory E. Knoll, Esq.

Legal Aid Society of San Diego

Thomas Drohan

Legal Assistance to the Elderly

Skyler Rosellini

National Health Law Program

Minyong Lee

Neighborhood Legal Services of Los Angeles

County

Leigh Ferrin

OneJustice

Betsy Butler

The California Women's Law Center

Tina Rosales

Western Center on Law and Poverty

Legal Aid Fights for Justice. We Fight for Them.



CC: Honorable Members, Senate Committee on Judiciary

Senator Scott Wilk
Senator Benjamin Allen
Senator Angelique V. Ashby
Senator Anna M. Caballero
Senator Maria Elena Durazo
Senator John Laird
Senator Dave Min
Senator Roger W. Niello
Senator Henry I. Stern
Senator Scott D. Wiener

Allison Whitt Meredith, Staff Counsel

Legislative Coalition to Prevent Child Abuse El Dorado Hills, California 95762

Jan 11, 2024

Honorable Anthony Portantino Senate Appropriations Committee Sacramento, CA 95814

Re: Support for SB 662 (Rubio) Access to Court Records

Honorable Chairman Portantino,

I write as director of the Legislative Coalition to Prevent Child Abuse to express our organization's support of SB 662. This bill will improve access to court recordings in cases involving family violence. We work with cases where children have been left unprotected from abuse or murder in custody proceedings. Court reporters are not required to be at all hearings that pertain to child safety. However, a record of what occurs at these hearings is essential if children and familles are to be protected. The bill is sponsored by the Family Violence Appellate Project. They have expertise in the area of domestic violence and court proceedings and have worked with stakeholders to craft this needed solution.

The lack of a reporter's transcript makes it impossible to appeal cases where the court has overlooked extensive evidence of severe danger to children, Lower court rulings could not be appealed in many cases that have resulted in predictable and preventable homicides after family members begged the courts for protection. SB 662 will be one step toward better protection for children.

Importantly, this bill would require the Judicial Council to collect information from courts and report to the legislature regarding how they are utilizing funds appropriated to recruit and hire court reporters.

58 662 promotes child and family safety, equity, proper case management and court accountability. We ask for your aye vote.

On behalf of the Coalition,

Melissa Knight-Fine Legislative Coalition to Prevent Child Abuse melissaknightfine@yahoo.com 916-203-1234

BOUCHERLLP

21600 Oxnerd Street, Sine 800 Westland Hills, California 91367

Talenhame #18.340.5400 | Factorole #18.340.5401

January 8, 2024

Via Electronic Submission Only

Senate Appropriations Committee Link: https://calegislation.lc.ca.gov/Advocates/

Re: Letter of Support for SB 662 (Sen. Rubio)

Dear Senator Atkins, Senator Portantino, and Members of the Senate Appropriations Committee:

I write to urge your support for SB 662 to address the certified shorthand reporter (CSR) crisis that is impacting California trial courts, authored by Senator Susan Rubio. By expanding the courts' ability to implement electronic recording of court hearings in civil cases where a CSR is unavailable, the bill will help ensure access to justice for all California citizens who are involved in civil litigation.

As a lawyer, I understand the importance of having a transcript of court proceedings. It enables my clients to sufficiently request reconsideration of a trial court ruling, to request immediate review of a trial court decision to a court of appeal, or to appeal certain decisions or the judgment entered in the case. Without a record of court hearings, there is a much lower chance of having a trial court decision reviewed or reversed.

I have observed the shortage of CSRs. It has driven up the cost of having a court reporter present for civil case court hearings and depositions, which unfortunately impacts my clients by making civil lawsuits more expensive. I have observed difficulties with reserving a court reporter for court hearings in my complex, civil cases due to the shortage. I have also conducted depositions with an electronic recorder, then engaged the court reporter business to transcribe the recording with no issues.

As Californians, we have to embrace facts and make provisions for the future. Especially so, where the issue impacts civil justice and the third branch of government.

- Fact: there is a shortage of CSRs that is not going to be fully remedied through court recruitment efforts.
- Fact: There are civil litigants, including family law hitigants and domestic violence survivors, who need court hearing transcripts to request review of trial court decisions and judgments rendered in their cases, to ensure civil justice. Ensuring that a court hearing may be electronically recorded in all civil cases, where a CSR is unavailable, is a step in the right direction. It helps to ensure that all litigants have equal access to justice.

- Fact: Electronic recordings of depositions in civil cases are already taking place in California. So, too, are electronic recordings of certain court hearings in both LA County Superior Courts and in certain United States District Courts in the Central District of California, as permitted by law. All to good use and effect.
- Fact: Jobs are created by permitting qualified individuals to set up and oversee the
 electronic recorders, and to transcribe the electronic recordings when requested.

In truth, SB 662 simply expands the categories of civil case types where electronic recordings are permitted, where CSRs are not available. CSRs will retain the right of first refusal for transcription of electronic recordings. It also provides a mechanism to help the California Legislature evaluate the need for requiring new applicants who have already passed other certification exams to pass the California exam. Civil litigants who can afford to, or prefer to, use a CSR will retain the right to do so in depositions and at court hearings.

Please strongly consider taking SB 662 out of "suspense" this month and permitting the bill to move forward towards passage. Thank you.

Sincerely,

BOUCHER LLP

Shehnaz M. Bhujwala, Esq. (Bio)



Mothers of Lost Children

January 8, 2024

The Honorable Anthony Portantino, Chair of the Senate Appropriations Committee California State Capitol Building Room 412 Sacramento CÁ 95814

RE: SB 662 (Rubio) Court Record SUPPORT

Dear Senator Portantino:

Mothers of Lost Children are a group of mothers whose children are forced to visit unsupervised or live with their identified perpetrators through failures in the family and juvenile courts. Our children have disclosed abuse, and have not been protected or believed. The agencies designed to protect children have not helped, and in many cases have done harm. We have done everything we, as individuals, could do to protect them, yet have been unable to keep them safe.

We are writing in strong SUPPORT of SB 662 Court Record bill by Senator Susan Rubio. It is a common sense response to a crisis in our courts. A national survey by Geraldine Stahly PhD found that over half (57%) of California family courts hearings were held without court reporters.

The lack of court reporters in California courts affects the safety and rights of survivors of domestic violence who rely on the court 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. Court reporters are not required to be at

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.

There are not enough court reporters to cover all the courts. Litigants must pay high prices for a live court reporter which creates a two-tiered justice system. Rich people get the gold standard of live court reporters. The rest of the litigants do not even get a record of their hearing. Electronic recording works. It is being used in evictions, small claims, criminal misdemeanors, and infractions cases. The technology is there and justice demands we use it. We also need to hold courts accountable to recruit, hire and retain court reporters. SB 662 does both. We urge you to approve SB 662, a critical bill to ensure justice for all.

Sincerely, Sarah Kerlow, President

> 2513 Tamarisk Dr. Santa Rosa, CA 95405 https://www.mothersoflostchildrenmovement.org



The aution's largest prec bosses has firm

January 14, 2024

Via Email and Position Letter Portal

The Honorable Anthony Portantino, Chair Senate Appropriations Committee California State Capitol, Room 412 Sacramento, CA 95814

Re: SB 662 (Rubio), Universal Access to Court Records - Support

Dear Senator Portantino:

I am writing on behalf of the Consumer Rights and Economic Justice (CREJ) project at Public Counsel to express our strong support for Senate Bill 662, authored by Senator Rubio. The bill seeks to address the critical shortage of court reporters in our judicial system.

CREJ represents and assists low-income individuals facing debt-collection lawsuits, and involved in other consumer litigation. Many, if not most, of our clients qualify for fee waivers, which entitle them to court-appointed official court reporters.

Our experience - and the experiences of the pro per litigants whom we assist -have repeatedly highlighted the detrimental impact of the current shortage of court reporters. This scarcity has created a two-tier justice system, depriving of equal justice those who cannot afford live private court reporters.

We have witnessed firsthand how this situation has infringed upon the legal rights and fair trial opportunities of our clients. For example, we are often constrained in assisting individuals when they come to us for help after having proceeded in hearings and trials without a court reporter. The lack of a verbatim record limits their options, particularly in appeals or subsequent legal actions. In contrast, where electronic reporting has been available, the records enable us to thoroughly evaluate our clients' cases and more effectively guide them through their legal options.

Electronic recording, as proposed in SB 662, is a viable and necessary solution. It is already effectively used in various judicial proceedings, such as evictions, small claims, and misdemeanors. Implementing electronic recording in all civil cases will ensure a more equitable January 14, 2024 Page 2

justice system, where access to accurate records is not a privilege of the wealthy but a standard for all.

Moreover, SB 662's provisions to encourage the hiring and retention of court reporters are crucial. The bill's requirement for the Judicial Council to report annually on its efforts towards this goal ensures accountability and progress in addressing this crisis.

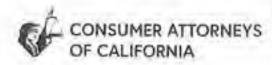
SB 662 represents a balanced approach to a pressing issue, ensuring both technological adaptation and the continued importance of court reporters in our legal system. We urge your support for SB 662 so that we can move towards a more just and equitable legal system for all Californians

Sincerely,

Ghirlandi C. Guidetti

Ghirlandi Guidetti Staff Attorney Consumer Rights and Economic Justice

Via Email only to: Office of Gov, Gavin Newsom, Legislative Affairs (leg.unit@gov.ca.gov; Nick Hardeman, Chief of Staff (nick hardeman@sen.ca.gov); Kimberly Rodriguez, Policy Director (kimberly.rodriguez@sen.ca.gov); Matthew Fleming, Consultant on Judiciary/Public Safety (Matthew.Fleming@sen.ca.gov); and Craig Wilson, Chief of Staff (craig.wilson@sen.ca.gov).







April 11, 2023

The Honorable Thomas J. Umberg Chair, Senate Judiciary Committee 1021 O Street, Suite 3240 Sacramento, CA 95814

Re: SB 662 (Rubio): SUPPORT

Dear Senator Umberg:

Senate Bill 662 (Rubio) is scheduled for hearing in the Judiciary Committee on Tuesday, April 18, 2023. On behalf of the combined memberships of the Consumer Attorneys of California, the California Defense Counsel, and the California Judges Association, we are writing in support of the measure and to respectfully request your "AYE" vote.

SB 662 addresses a growing crisis in our court system relating to the unavailability of court reporters. The inability of courts to fill positions for Certified Shorthand Reporters literally represents a denial of due process and access to justice, particularly for low-income litigants without the resources to hire private court reporters to act as reporters pro Tem. In response to this growing problem, SB 662 proposes a multifaceted, balanced approach which authorizes the California Court Reporters Board to issue provisional licenses to reporters who have passed a national court reporters exam, and broadens the existing authority for courts to order electronic recording in limited jurisdiction civil cases to all civil cases. In order for courts to order electronic recording under the bill, the court must make every effort to hire a reporter for the proceeding, and offer a right of first refusal for existing court reporters to transcribe any proceeding recorded electronically.

Importantly, SB 662 also requires the California Judicial Council to adopt rules and standards for the use of electronic recording, to ensure that recordings are able to be easily transcribed, and to report to the Legislature about progress in hiring court reporters from previously approved budget funds.

Unfortunately, every reliable metric has shown that there is a large and growing shortage of licensed Certified Shorthand Reporters in California. It is indisputable that the numbers of licensed Certified Shorthand Reporters has been declining for years, with court reporting Re: SB 662 (Rubio) - SUPPORT

Page 2

schools closing, and a very small number of new admittees joining the profession. Court executives confirm that there are far more court reporters leaving their positions than they can replace. Individual courts are now offering very substantial signing bonuses and referral fees in an attempt to fill their depleted court reporter ranks. Practitioners have been hiring private court reporters for court proceedings for years as the courts could not provide them. Additionally, now in an attempt to cover criminal proceedings, where liberty interests are at stake, increasingly courts are not providing court reporters for additional civil proceedings, including family law where unrepresented litigants literally are at risk of losing custody of their children.

Because of the supply-demand imbalance, court reporter fees for court proceedings where court reporters are not provided are skyrocketing. Lawyers have reported paying thousands of dollars per day in "appearance fees." A few years ago, a one day deposition might have cost \$600 - \$1,000. Now \$5,000 a day is not uncommon. This is simply not affordable for all but the wealthiest. Worse, practitioners report that increasingly court proceedings are being postponed due to the lack of Certified Shorthand Reporters.

Please be assured that our concerns do not arise from any hostility to court reporters. To the contrary, Certified Shorthand Reporters play a critical role in the judicial system. Court reporting is a difficult, arduous and intense activity requiring great skill. We have enormous respect for individuals who can create a verbatim record of contentious and often emotional proceedings, with lawyers and parties talking over each other, frequently involving interpreters and non-English speaking witnesses, objections and the specialized language of the law.

Simply put, it is past time for the Legislature to address the growing unavailability and unaffordability of court reporters. Because due process and access to justice issues are at stake, we would again express support for the balanced approach in SB 662 and respectfully request your "AYE" vote.

Sincerely,

Greg Rizie

Greg Rizio, President

Consumer Attorneys of California

John Cottex

John Cotter, President

California Defense Counsel

David Rosenberg
The Honorable David Rosenberg
President, California Judges Association

cc: The Honorable Susan Rubio Members, Senate Judiciary Committee Allison Meredith, Counsel, Senate Judiciary Committee Morgan Branch, Consultant, Senate Republican Caucus Writer Laires Association or Los Angeles

634S Swinin St Suns VOZ Los Avustes, CA 90014

Tel 213,892,8982 Fax 213,892,8983

WIII WWW.WLALA.ORG E-MIL INCOVILLA.ORG Via Email and US Mail

January 12, 2024

The Honorable Toni G. Atkins California State Senate President Pro Tempore 1021 O Street, Suite 8518 Sacramento, CA 95814

The Honorable Anthony J. Portantino California Senate Appropriations Committee State Capitol, Room 412 Sacramento, CA 95814

Re: Letter of Support for SB 662 (Rubio)

Dear Senators Atkins and Portantino and Members of the Senate Appropriations Committee:

WLALA.

I write on behalf of the Women Lawyers Association of Los Angeles (WLALA) to express our strong support for Senate Bill 662, authored by Senator Susan Rubio, which aims to address the crisis in our California superior courts, resulting from the inability to provide a court record for those least able to afford one.

There is an increasing shortage of Certified Shorthand Reporters (CSRs) available to create a record of court proceedings and the problem is only getting worse. This hurts your constituents who are unable to obtain a transcript of their proceedings, because that record is often necessary to protect their rights on extremely significant personal and family matters as described below.

In combination with measures being taken by the superior courts to retain and recruit CSRs, SB 662 is necessary to address the constitutional crisis caused by the fact that tens of thousands of Californians each month are currently deprived of the possibility of meaningful access to justice as a result of the lack of a verbatim record of proceedings.

As a result of the severe court reporter shortage and statutory restrictions on electronic recording, over 300,000 hearings took place this past year alone in the Superior Court of Los Angeles County without a court reporter, leaving litigants without access to a verbatim record of these proceedings.

Court Reporter recruitment and retention incentives first announced in February, and increased in September, were generous, but barely enabled the Los Angeles Superior Court to maintain its current CSR staffing. Since the LA Court announced a recruitment and incentive package in February, 18 court reporters have left court

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INVESTIGATIONS

service and 11 court reporters have joined court service (including one voice writer), resulting in a net loss of 7 court reporters.

This increasing number of uncovered hearings and the decreasing number of CSRs heavily impacts low- and moderate- income litigants who cannot afford the very high costs of obtaining a court reporter, when their ranks are shrinking.

Important rights relating to family law matters — including custody, visitation, relocation, and protection of children, protection of victims of domestic violence, rights to alimony, and other matters — are being adjudicated without a transcript. This hurts the parties' ability to enforce or appeal the court's decisions.

Similarly, important other civil matters relating to probate and resolution of important civil disputes are being adjudicated without any transcript of proceedings.

The need for SB 662 is urgent. The potential costs of implementing the bill — in comparison to the deprivation of rights currently experienced by those served by our courts who cannot afford court reporters — are minimal. This is especially so where many courtrooms already have the means to electronically record court proceedings, and finds exist to further equip courtrooms with the means to electronically record court proceedings.

Accordingly, WLALA urges that you pass SB 662 from the Appropriations

Committee, and use your considerable influence to bring competing views together
to reach an effective solution for the severe shortage of CSRs and the serious impact
on constituents who need to use the court system.

Thank you for your attention to this important issue

Sincerely,

Jeannine Y. Taylor

President, Women Lawyers Association of Los Angeles



Judicial Council of California

520 Capitol Mall, Suite 600 · Sacramento, California 95814-4717 Telephone 916-323-3121 · Fax 916-323-4347

PATRICIA GUERRERO Chief Justice of Colifornia Chair of the Judicial Council

SHELLEY CURRAN Administrative Director

January 8, 2024

Hon. Anthony Portantino, Chair Senate Appropriations Committee 1021 O Street, Suite 7630 Sacramento, California 95814

Subject: S

Senate Bill 662 (Rubio), as amended April 27, 2023 - Support

Dear Senator Portantino:

The Judicial Council supports SB 662, which permits a court to electronically record any civil case if an official reporter or an official reporter pro tempore is unavailable, as specified. The bill requires that the court make every effort to hire a court reporter before electing to electronically record the action or proceedings pursuant to these provisions. It requires a court to provide a certified shorthand reporter, as specified, the right of first refusal to transcribe an electronically reported proceeding.

In addition, the bill requires the Court Reporters Board to review its licensing examination to determine whether it is necessary to require applicants who have passed the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination, to demonstrate competency as a certified shorthand reporter. The bill requires the Board to evaluate whether the California-specific examination should be replaced with acceptance of the National Court Reporter's Association's or the National Verbatim Reporter's Association's certification examination to establish proficiency in machine shorthand reporting or voice writing. It requires the Board to submit its findings to the Legislature by June 1, 2024, during its regular Joint Sunset Review Oversight Hearings.

Finally, the bill requires the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters. It requires, beginning January 1, 2025, and annually thereafter until all such funds are expended, the Council to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

Hon. Anthony Portantino January 8, 2024 Page 2

In expanding electronic reporting to all civil case types, SB 662 is consistent with the Council's adopted 2023 Legislative Priorities that include "Continu[ing] to promote the availability of verbatim records of court proceedings by working collaboratively to address court reporter shortages and exploring innovations in technology."

Due to the well documented court reporter shortage, the prohibitive cost of hiring a private court reporter, and existing statutory restrictions on the use of electronic reporting, many parties today lack access to a verbatim record.

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatum record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits. Without an accurate and complete transcript, these parties are for all practical purposes unable to meaningfully exercise their right to appeal. Removing the statutory case type restrictions and expanding the use of electronic reporting, which increases access to a verbatim record, promotes access to justice.

Next, SB 662 demonstrates a clear policy preference for court reporters by explicitly requiring that courts make every effort to hire a court reporter before permitting electronic recording. The bill also provides a right of first refusal to certified shorthand reporters if a transcript of an electronic recording is requested. Notably, under SB 662, these requirements would apply to both the civil cases added by the bill as well as existing case types in which electronic recording is already currently authorized.³

SB 662 also takes steps to address the court reporter shortage by requiring the Court Reporters. Board to review its licensing requirements. It is hoped that this will help ease the critical shortage by expanding the pool of court reporters.

Finally, the bill requires the Council to track and report to the Legislature on funds appropriated to recruit and hire court reporters. This reporting requirement is similar to other reporting requirements already in statute. Because the Council is already tracking the purchase and lease of ER equipment by trial courts and providing semiannual reports to the Legislature pursuant to section 69958 of the Government Code, it is anticipated that the bill's reporting requirement would not be unreasonably burdensome.

Fact Shert. Shortage of Certified Shorthand Reporters in California, Indicial Council of California, January 2024. There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023. However, according to the California Department of Consumer Affairs data portal, between FY 2013–14 and FY 2021–22, the number of total licensees has declined 19.2 percent and the number of new licensee applications has declined 70.1 percent. Just 35 new licensees were issued statewide in 2021–22.

Jameson v. Destu (2018) 5 Cal.5th 594, 622.

^{*}Electronic recording is currently authorized in limited civil, masterneanor, and infraction proceedings when a court reporter is unuvallable (Gov. Code, § 69957(a)).

Hon: Anthony Portantino January 8, 2024 Page 3

During July-September 2023 alone, an estimated 133,000 family, probate, and unlimited civil hearings were held in California with no verbation record. This represents 38.8 percent of reported hearings in these case types. An additional 81,900 hearings in these case types had no court-provided reporter and it is unknown whether a verbation record was captured by a private court reporter, representing 23.9 percent of reported hearings in these case types.

Certified Shorthand Reporters are the preferred way to provide a record, however, the number of court reporters is not keeping pace with the need. This threatens access to justice for all Californians, especially those who cannot afford to pay thousands of dollars for their own private court reporter when the court does not have enough court reporters to staff civil courtrooms.

As noted in Jameson, the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. Victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection.

For these reasons, the Judicial Council supports SB 662.

Should you have any questions or require additional information, please contact Aviva Simon at 916-323-3121.

Sincerely,

Cory T. Jasperson

Director

Governmental Affairs

CTJ/AS/emu Attachment

Amacinine

Members, Senate Appropriations Committee

Hon. Susan Rubio, Member of the Senate, 22nd District

Ms. Christy Bouma, Legislative Affairs Secretary, Office of the Governor

Ms. Shelley Curran, Administrative Director, Judicial Council of California

Jameson, supra, 5 Cal.5th at 608, fp. 1.

^{*} In ce Arminenty (1981) 126 Ca). App.3d 565; March v. Mim. Ct. (1972) 7 Ca).3d 422

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024

Background

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits.

The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required and electronic recording is not authorized.

Parties may arrange for the services of a court reporter in other case types. However, a declining number of court reporters threatens access to justice for court users, especially Californians who can't afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022-23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements, it is estimated that California courts may need up to an additional 650 full-time court reporters. In addition to court reporters employed by the courts, courts also contract with pro tempore? reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023." However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%.™ Potential indicators that the decline will continue include:

Challenging pathway to licensure: Thirty-five new licenses were issued statewide in 2021–22. ^{11,12} Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers. ¹³

[&]quot;Jameson v. Desto (2018) 5 Cal.5th 584, 622.

² Felony and Juvenile cases.

^{*}Ejectronia recording is not authorized except in limited pivil, mademazon, and infaction proceedings when a pour experts is unevallable (Gov. Code, 8 69957(e)).

Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding centrot otherwise be electronically recorded.

^{*} Covering all case types where a court reporter is required or electronic recording is not authorized.

[&]quot;"Need" is calculated by applying the Resource Assessment Study estimate of court reporter need of 1,25 times the easested judicial need for each included case type, waits courte on applying the Resource Assessment Study estimate of court reporter need of 1,25 times the easested judicial need for each

^{*} Refers to an individual who is retained by the court on an intermetant or contractual basis.

^{*}Court Reporter Recruitment, Retention, and Attrition deshibuerd, www.courts.cs.dow/76328.ntm.

^{*} Court Reporters Board: December 13, 2023, Board Meeting Packet, www.courtemprisesboard.co.gov/shout-us/20231213 packet ps/

Oppartment of Consumer Affairs data portal. www.dor.ca.ahvidata/arrival.floanse_stats.ahlml.

[&]quot;Inid

[&]quot;) Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010), was countrinode strong or so winds contact chool into a time. However, etupents may also qualify for Caldon le's Certified Shorther 849 that seem by obtaining national certification demonstrating proficiency in machine shorthers reporting or voice writing.

Open Reporters Board, School Examination Statistics. https://doi.org/10.100/

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



Court reporters likely nearing retirement: The National Court Reporters Association reported the average
age of its court reporter members to be approximately 55 as of December 31, 2022. In California,
approximately 44.9% of all active licenses were issued at least 30 years ago.

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940." This is significantly lower than the cost to hire a court reporter through a private company; \$2,580/day for a deposition and \$3,300/day for a trial, on average." Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%. In FY 2022–23, California courts spent \$22.6 million on transcripts."

Current Recruitment and Retention Efforts

Trial courts are Implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more. For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter. The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection. California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.

[&]quot;Matienal Court Risporture Association, www.ners.org/horge/state/convCRA Statebook

[&]quot;Department of Consumer Affairs, Licensee List (se of Nov. 2023), Volve, dot, da roy/consumers/public units/open africa-

[&]quot;Median value of estimated salary and benefit costs statewide by the filled court raporter FTEs.

[&]quot;Date provided by a survey of 45 private consumer attorneys. It is unknown how much of the court reporter rate critical by companies is pravided to the reporter in the form of compensation and how much is kept by the company.

[&]quot; Sun Gill 170 (Stars 2021, ch. 240)

^{*7022-23} Schedule 7A lotal court statewide transcript expenditures, excluding Electronic Recording

Court Reporter Recruitment, Retention, and Attrition deshipped, page, court, ca gov/1538, htm.

[&]quot;Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types of or the aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings for vice versal, that case type date was removed from the data set.

[&]quot; Jameson, supre, 5 Cal.5th at 608, In. 1.

¹⁰ In ie Amstrong (1981) 126 Cal.App.3d 566, March v. Municipal Court (1972) 7 Cal.3d 422.

^{**} Payelle v. Jones (1991) 125 Cal, App. 3d 298, People v. Apalamiqui (1976) 87 Cal App. 5d 970; see Pen. Code, § 1181(5)



Strong Hearted Native Women's Coalition, Inc.

PO BOX 2468, VALLEY CENTER, CA 92042-2+88 Phone 760-644-4781
Web, www.strongheartedrativewomen.org Pracebook/www.facebook.com/SHNWOnc

April 27, 2023

The Honorable Thomas J. Umberg Chair, Senate Committee on Judiciary 1021 O Street, Suite 6730 Sacramento, CA 95814

Re: Support for SB 662 (Rubio) Universal Access to Court Records

Honorable Senator Umberg,

Strong Hearted Native Women's Coalition, Inc. writes in enthusiastic support of SB 662. As an organization that supports survivors of domestic violence, we know the importance of a verbatim record of court proceedings. Our clients rely on the court 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. Court reporters are not required to be at these hearings. However, a record of what happens at these hearings is necessary for many important reasons.

First, there is a particular need for a reporter's transcript in family law proceedings involving domestic violence issues because law enforcement officers are often called upon to enforce domestic violence restraining orders, or child custody and visitation orders that address family violence issues. In these cases, transcripts are needed to craft an accurate post-hearing written order that can be enforced by law enforcement officers.

Second, in custody and visitation cases where the issues are litigated and revisited over many years, transcripts are needed for the court to assess whether there have been significant changed circumstances since the initial determination. Having the transcript from the initial custody or visitation determination provides the court with a factual baseline of the partles' previous behavior to help the judge assess whether alterations to custody or visitation schedules are warranted.

Third, in many California counties, judges serve only one or two years in family court before moving on to another courtroom assignment. As a result, domestic violence survivors are assigned to multiple judges if the case spans more than one or two years, which happens frequently as parents request revisions to custody and visitation determinations over time. Without a transcript detailing the precise basis for the original order, the new family law judge is at a disadvantage in assessing and handling the case.

Fourth, the lack of a reporter's transcript is a particularly severe problem for appeals in family violence cases where the volume of family law and domestic violence cases means that written opinions are the exception, not the rule. As a result, it is nearly impossible to appeal wrong or dangerous decisions since a party may not raise evidentiary issues, or other issues dependent on trial court proceedings or rulings not included in a written order, unless there is a reporter's transcript. (See Jameson v. Desta (2015) 241 Cal.App.4th 491, 504 [holding that because "the record on appeal does not contain a reporter's transcript," Jameson was "precluded from obtaining a reversal of the trial court's ruling granting Desta's motion for nonsult"]: Foust v. San Jose Construction Co. (2011) 198 Cal.App.4th 181, 185-186) ["In numerous situations, appellate courts have refused to reach the merits of an appellant's claims because no reporter's transcript of a pertinent proceeding or a suitable substitute was provided."].)

Since 2015 people who qualify for a fee waiver have had the right to request a free court reporter. However, in our county, the court offen has to continue our clients cases for weeks or months before a court reporter is available. Preparing to go to court repeatedly is traumatic to our clients and stretches our agency resources unnecessarily. We believe this bill will ensure our clients are able to access safety and justice in a timely manner which is very important.

For these reasons, Strong Hearted Native Women's Coalition, Inc. strongly supports SB 662 and thanks you for authoring this important bill.

Sincerely,

Keely Linton Executive Director

Strong Hearted Native Women's Coalition, Inc.

Family Violence Appellate Project, sponsor (info@fvaplaw.org)



MEANINGFUL ACCESS TO JUSTICE: PROTECTING A LITIGANT'S EQUAL ACCESS TO THE RECORD

- Access to justice means having a record of the court proceedings. A transcript is fundamental to our system
 of justice.
- Every year, appellate courts evaluate and sometimes overturn trial court decisions. Appellate courts exist to correct legal errors, but without an official record of the previous proceedings, there can be no justice.
- As a result of the ongoing court reporter staffing shortage crisis, courts are unable to provide reporters in all
 case types, including family law, probate and civil matters. Litigants in these case types have no transcript of
 significant decisions being made impacting their lives. In 2023 over 300,000 hearings took place in Los
 Angeles County without any transcript, rendering review on appeal impossible. These hearings involve some
 of the most critical and life-altering legal issues, such as divorce, child custody and domestic violence.
- Despite spending millions to recruit and retain official court reporters, the Superior Court of Los Angeles
 County continues to experience a vacancy rate of over 100 court reporters.
- But there is an answer: <u>SB 662</u>, filed by Senator Susan Rubio, would expand the use of electronic recording, which is already permitted and used in some case types with little or no issues. In fact, our Appellate Division handles over 500 matters per year using electronic transcripts without complaint.
- This is a constitutional crisis. To achieve equal justice, SB 662 must be passed to expand electronic recording to provide fair and equal justice for all.

QUICK FACTS

WHY ARE TRANSCRIPTS IMPORTANT?

As the California Supreme Court has explained, the lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits. A parent needing appellate review of a family law judge's custody decision may be denied review all together for lack of a transcript. A domestic violence survivor may have difficulty obtaining an enforceable protective order without a transcript. An employee suing for wrongful termination may be denied an appeal of the matter due to lacking a transcript.

WHERE ARE ALL THE COURT REPORTERS?

Fewer than 32% of aspiring court reporters passed the three most recent certification exams. Only 35 new official court reporters entered the workforce in FY 2021/22 to cover the entire state of California. The average age of current court reporters is 55 years old.

WHY CAN'T COURTS RECRUIT FROM THE PRIVATE SECTOR?

Private-sector court reporters earn \$3,300/day – over \$850,000 annually, on average. Compare that to the median court-employed reporter salary + benefits of \$183,940 plus income from selling transcripts.





THE COURT'S \$10M+ CAMPAIGN TO RECRUIT AND RETAIN COURT REPORTERS IS NOT WORKING

February 2023: Presiding Judge Samantha P. Jessner and Executive Officer/Clerk of Court David W. Slayton announce plans to use nearly \$10 million in state funding to address a court reporter staffing shortage. September 2023: The Court doubles down on its efforts, describing the court reporter shortage as a "constitutional crisis" and announcing substantially increased recruitment/retainment bonuses, including:

- \$50,000 signing bonus over 2 years; generous school student loan and equipment allowances for court reporter schools; \$5-\$10,000 in retention bonuses; \$25,000 finder's fee for court employees who bring court reporters to the court; 5% floater bonus per pay period and more.
- High-profile recruitment ads in LA Times, USA Today, plus bus ads and billboards across LA County.

These abundant outlays of cash have barely allowed the Court to maintain its current CSR staffing. Since the Court announced its robust recruitment and incentives in February 2023...

- o 18 court reporters have left court service
- 11 court reporters have joined court service, resulting in a
- Net loss of 7 court reporters (as of December 31, 2023)

RECENT MEDIA COVERAGE ON THE COURT REPORTER SHORTAGE

San Francisco Public Press, November 14, 2023

"California's Court Reporter Shortage Limits Access to Justice in Domestic Violence Cases"

Bloomberg Law, September 22, 2023

"Break the Law or Leave No Record, California Courts Face Dilemma"

LAist, September 14, 2023

"Court Reporters are Crucial Part of the Justice System. Here's How a Shortage is Impacting LA County"

Los Angeles Times, July 27, 2023

"Extensive staffing crisis at L.A. County courts puts vulnerable defendants in dire straits"



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Exhibit 6



October 10, 2034

VIA U.S. MAIL & EMAIL

Hon, Beth McGowen, Presiding Judge
Hon, Julie A. Emede, Presiding Judge-Elect
Rebecca Fleming, Chief Executive Officer
Superior Court of Santa Clara County
191 N. First Street
San Jose, California 95113.
BMcGowen@sescourt.org
JEmede@scscourt.org
RFleming@scscourt.org

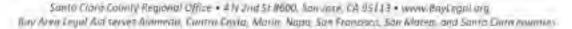
Re: Use of Electronic Recording to Create an Official Verbatini Record in the Absence of a Court Reporter

Dear Judge McGowen, Judge Emede, and Ms. Fleming:

This letter is sent on behalf of Bay Area Legal Aid ("BayLegal") and Family Violence
Appellate Project ("FVAP"). BayLegal is the largest provider of free civil legal services in the San
Francisco Bay Area. The vast majority of BayLegal's clients are indigent, earning less than 200%
of the federal poverty guideline. BayLegal represents clients throughout Santa Clara County at
the trial court and appellate level across a wide range of areas, including family law, probate,
and unlimited civil proceedings. FVAP is a non-profit organization that represents clients in
appeals involving domestic violence and similar issues throughout the state. FVAP's core
mission is to promote the safety and well-being of survivors of domestic violence and other
forms of intimate partner, family, and gender-based abuse by appealing dangerous and wrong
decisions, and by ensuring all survivors have access to justice at the trial court level through
published case law, training, policy advocacy, and legal technical assistance.

In 2022, the Superior Courts of California sounded the alarm about the "chronic" court reporter shortage. BayLegal and FVAP appreciate that this Court faces an unprecedented dilemma in triaging its court reporter staff across its courtrooms. However, BayLegal and FVAP are deeply concerned that no verbatim record exists in an estimated 483,500 family, probate, and unlimited civil hearings in California courts heard between October 1, 2023 and March 31.

https://www.lacourt.org/newsmedia/uploads/14202211213124511.02.2022/OINTCEOSTATEM ENTRECOURTREPORTERSHORTAGE.pdf.





Superior Courts of California, "There is a Court Reporter Shortage Crisis in California," (Nov. 2, 2022), available at

2024, and the crisis has only worsened. Despite this Court's statement that "[c]ourt reporters will be provided by the Court in all . . . cases in which an official court reporter is required by the Supreme Court opinion in the case of Jameson v. Desta, a according to a review of BayLegal's own cases and publicly available data, approximately half of family, probate, and other unlimited civil proceedings are unreported, even when an indigent litigant with a fee waiver has submitted an official request for a court reporter.

While indigent civil litigants are offered continuances or the opportunity to hire a private court reporter when they have requested a court reporter and one is unavailable, that is an inadequate remedy. It is BayLegal's experience and the experience of their clients that in many cases these continuances can go on for several months. The length and number of continuances and the prohibitive costs of hiring a private reporter for indigent litigants leads many to proceed to a hearing or trial without a court reporter. Because this Court's policies do not provide electronic recording for the purposes of securing a verbatim record of a proceeding in unlimited civil, probate, and family law matters, these litigants then are left without any means of securing a record.

Access to a verbatim record of court proceedings is a cornerstone of justice. It ensures transparency, accountability, and the right to appeal—fundamental elements of our legal system. The lack of a verbatim record will (1) undercut consistency in cases that may involve multiple hearings over extended periods of time and/or involve multiple judges, (2) undermine litigants' ability to understand and communicate what has happened at a hearing and what orders were issued, and (3) jeopardize litigants' ability to challenge erroneous orders on appeal. In fact, BayLegal and FVAP have seen first-hand how the "lack of a verbatim record ... will frequently be fatal to a litigant's ability to have [their] claims of trial court error resolved on the merits by an appellate court." (Jameson v. Desta (2018) 5 Cal.5th 594, 608.)

The California Supreme Court's decision in Jameson requires this Court to provide an official verbatim record to indigent litigants.4 (Jameson, supra, 5 Cal.5th at 605–606.) This Court's failure to provide verbatim recording to the indigent litigants appearing before it is a direct violation of this Court's obligations under Jameson. Moreover, as the Los Angeles Superior Court stated in its September 5, 2024 General Order on this subject, failure to provide a free verbatim record to litigants who cannot retain a private court reporter will often violate these litigants' constitutional rights.5 Indeed, the California Court of Appeal has recognized that "the absence of a verbatim record can preclude effective appellate review, cloaking the trial court's actions in an impregnable presumption of correctness regardless of what may have actually transpired. Such a regime can raise grave issues of due process as well as equal protection in light of its disparate impact on litigants with limited financial means." (In re Marriage of Obrecht (2016) 245 Cal.App.4th 1, n.3.)

² Judicial Council of California, "Fact Sheet: Shortage of Certified Shorthand Reporters in California," (June 2024), available at https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf.

³ Superior Court of Santa Clara County, "Official Court Reporter Availability," (Oct. 13, 2020), available at https://santaclara.courts.ca.gov/general-information/court-reporter-information.
⁴ Indigent litigants, as used herein, is any litigant who is eligible for a fee waiver for court fees and costs pursuant to Government Code section 68632.

Superior Court of Los Angeles County, General Order re Operation of Electronic Recording Equipment for Specified Proceedings Involving Fundamental Liberty Interests in the Absence of an Available Court Reporter (Sept. 5, 2024).

If this Court cannot provide free court reporters for indigent litigants, it must use electronic recording to make the verbatim record. While we understand the tension with the apparent limitations on electronic recording set forth in Government Code section 69957, we believe the Court's obligation to uphold litigants' constitutional rights and to follow Jameson requires such a solution.⁶ We ask that this Court move forward expeditiously to use electronic recording to create official verbatim records for indigent litigants in all civil proceedings (including family and probate proceedings) when a court reporter is not available.

We would appreciate the opportunity to meet with you to discuss this issue in greater depth. We ask that you please contact Lisa Newstrom at lnewstrom@baylegal.org as soon as possible to arrange this, but no later than October 25, 2024. We look forward to your response.

Respectfully,

Lisa Newstrom

Managing Attorney, Santa Clara County Office

Kemi Mustapha

Supervising Attorney for Family Law

Bay Area Legal Aid

⁶ The Presiding Judge of the Los Angeles Superior Court, the largest trial court in the nation, issued a General Order on September 5, 2024 that permits electronic recording in family law, probate, and civil proceedings, notwithstanding Government Code section 69957. While the Los Angeles Superior Court's order is an important first step, it does not fully protect the constitutional rights of indigent litigants, as only certain indigent litigants will have access to a verbatim record created by electronic recording under the General Order.

Exhibit 7

AMENDED IN SENATE APRIL 27, 2023 AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 662

Introduced by Senator Rubio

February 16, 2023

An act to add Section-8028 8023.3 to the Business and Professions Code, and to amend Section 69957 of, and to add Section 69957.5 to, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 662, as amended, Rubio. Courts: court reporters.

Existing law establishes the Court Reporters Board of California to license and regulate shorthand reporters. Existing law establishes that a person who holds a valid certificate as a shorthand reporter shall be known as a "certified shorthand reporter," and prohibits any other person, except as specified, from using that title or any words or symbols that indicate or tend to indicate that they are a certified shorthand reporter. A violation of the provisions regulating shorthand reporters is a misdemeanor: reporter." Existing law requires an individual to have satisfactorily passed an examination, as prescribed by the board, in order to be certified as a shorthand reporter.

This bill would authorize the board to issue a provisional certificate, that would be valid for 3 years, to an individual who has passed the Registered Professional Reporter examination administered by the National Court Reporters Association or who is eligible to take the examination to become a certified shorthand reporter approved by the board, as specified. By expanding the scope of a crime, this bill would impose a state-mandated local program.

SB 662 -2-

This bill would require the board, in consultation with the Office of Professional Examination Services of the Department of Consumer Affairs, to evaluate the necessity of requiring applicants who have passed either the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination to demonstrate competency as a certified shorthand reporter. The bill would require the board to submit its findings to the appropriate policy committees of the Legislature on or before June 1, 2024. The bill would authorize the board to replace the state-specific examination requirement with the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination if the board concludes that the current state-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter.

Existing law authorizes a superior court to appoint official reporters and official reporters pro tempore as deemed necessary for the performance of the duties of the court and its members. Existing law also authorizes a court to use electronic recording equipment to record an action or proceeding in a limited civil case, or a misdemeanor or infraction case, if an official reporter or an official reporter pro tempore is unavailable.

This bill would instead permit a court to electronically record any civil case if approved electronic recording equipment is available. The bill would require a court to provide a certified shorthand reporter, as defined, the right of first refusal to transcribe an electronically reported proceeding. The bill would additionally require that the court make every effort to hire a court reporter before electing to electronically record the action or proceedings pursuant to these provisions.

Existing law appropriated \$30,000,000 in both the 2021–22 and 2022–23 fiscal years to the Judicial Council to be allocated to courts to increase the number of official court reporters in family and civil law cases, as specified.

The bill would require the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters. The bill would require, beginning January 1, 2025, and annually thereafter until all such funds are expended, the Judicial Council to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

-3- SB 662

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the 2 following:

3 (a) There is a fundamental right to a verbatim record of any 4 court proceeding because without an accurate record, litigants may 5 not understand what the judge has ordered.

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22 23 (b) The lack of a verbatim record of court proceedings may result in attorneys declining to take cases on appeal or may result in law enforcement being unable to enforce, among others, active restraining orders or child custody and visitation orders.

- (c) Many Californians, regardless of income, are navigating critical civil legal issues without legal representation or meaningful legal assistance. Nearly 90 percent of people facing eviction are unrepresented, and one or both parties are unrepresented in 70 percent of family law cases. The problem is worse for low-income Californians, particularly communities of color, tribal communities, rural Californians, those with disabilities, those who are limited English proficient, seniors, and people who have experienced domestic violence or sexual assault.
- (d) Under existing law, the verbatim record may only be captured and transcribed by a certified shorthand reporter (CSR) in California courts, however, since 2013, an exception has been made to allow electronic recording in eviction cases, small claims court, traffic court, and misdemeanor criminal cases.
- (e) A CSR is required to be provided in felony criminal cases and juvenile justice and dependency cases. In all other types of cases, the court is not required to provide a CSR, except upon the request of an indigent litigant. Parties may arrange for the services of a court reporter in all other cases, at an average cost of \$3,300 per day.

SB 662 -4-

(f) California courts currently employ about 1,200 full-time court reporters. To provide CSRs in mandated cases, courts estimate they will need to hire approximately 650 new court reporters. Over 50 percent of California courts have reported that they do not have CSRs to routinely cover nonmandated cases, including civil, family law, and probate cases, and over 30 percent can never provide CSRs in those cases. Currently, 74.5 percent of courts are actively recruiting official court reporters to fill vacancies throughout California, with 102 court reporter vacancies for the Los Angeles County Superior Court alone.

(g) Although indigent litigants are entitled to a CSR free of charge, courts are increasingly unable to fulfill those requests. Instead, indigent litigants, including those seeking domestic violence restraining orders, emergency custody orders, and elder abuse and civil harassment protection orders, are forced to choose whether to proceed with their matter without a verbatim record or to return to court at a later date when a CSR may be available.

(h) In 2022, the Legislature appropriated \$32,000,000 for courts to recruit, hire, and retain CSRs. These funds are meant for courts to offer salary raises, bonuses, and educational benefits to incentivize becoming a court reporter. According to the preliminary fiscal year 2022–23 Schedule 7A, court-employed reporters' median total salary and benefits-is are an estimated \$184,184. This is significantly lower than the cost to hire a court reporter through a private company at \$2,580 per day for a deposition and \$3,300 per day for a trial, on average. Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30 percent. In the 2021–22 fiscal year, California courts spent \$18,400,000 on transcripts.

(i) Courts must compete with the private market for CSR services and these services are required, on a daily basis, for thousands of non-court proceedings, including depositions, administrative hearings, arbitration hearings, and cases being heard by private indees.

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(j) In 2022, there were 5,605 active CSRs of whom 4,829 listed an address in California. The number of licensed CSRs has been steadily dropping from 8,004 in 2000, to 7,503 in 2010, to 6,085 in 2020, representing a 30-percent decline since 2000. -5- SB 662

(k) According to the National Court Reporters Association, the average court reporter is 55 years of age. In California, 44 percent of all licenses were issued 30 years ago or more.

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(I) Applications to take the CSR licensing exam have declined, and the passage rate is low. In 2018, 369 individuals took the licensing exam, and in 2021, only 175 individuals took the exam. Of those, only 40 individuals passed. In 2015, 96 licenses were issued, and in 2021, only 39 licenses were issued. Currently, only 8 court reporter training programs remain in California, down from 16 programs in 2011.

(m) In January and February of 2023 alone, the Los Angeles County Superior Court was unable to provide a CSR in 52,000 nonmandated civil, family, and probate cases. According to calculations by the court, this will result in over 300,000 cases going without a record this year.

(n) Where electronic recording is permitted, California has implemented stringent technical standards to ensure the recordings are of high quality and can be transcribed for use to craft orders, provide meaningful access to an appeal, and for use in future proceedings to enforce or modify a court's prior orders.

(o) Electronic recordings are subject to the same privacy, protection protection, and storage requirements as all other digital records held by California courts, and all California courts are required to maintain digital court files.

- (p) The Court Reporters Board of California should allocate funding toward recruitment and retention by publicizing the profession to high schools, vocational schools, and higher education institutions.
- (q) Courts are encouraged to provide senior CSRs as mentors to provisionally licensed CSRs until the expiration of the provisional license and ensure that courts continue to recruit, hire, and retain CSRs to the fullest extent possible.
- SEC. 2. Section 8028 is added to the Business and Professions Code, to read:
- 8028. (a) The board may issue a provisional certificate to perform the duties of a certified shorthand reporter in a court in this state to an individual who meets either of the following:
- 38 (1) The individual has passed the Registered Professional 39 Reporter examination administered by the National Court Reporters 40 Association

SB 662 —6—

(2) The individual is eligible to take the examination approved
 by the board pursuant to Section 8020.

3 (b) A provisional certificate issued under this section shall 4 terminate three years from the date of issuance and may not be 5 renewed.

6 SEC. 2. Section 8023.3 is added to the Business and Professions 7 Code, to read:

8 8023.3. (a) The board, in consultation with the Office of Professional Examination Services of the Department of Consumer 9 Affairs, shall conduct a review of the examination required for 10 licensure, including all three parts required under Section 2420 11 of Title 16 of the California Code of Regulations to evaluate the 12 necessity of requiring applicants who have passed either the 13 National Court Reporters Association's or the National Verbatim 14 Reporters Association's certification examination to demonstrate 15 16 competency as a certified shorthand reporter.

(b) The board shall evaluate whether the examination pursuant to Section 2420 of Title 16 of the California Code of Regulations should be replaced with acceptance of the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination to establish proficiency in machine shorthand reporting or voice writing required for liganting

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(c) The board shall submit its findings to the appropriate policy committees of the Legislature on or before June 1, 2024, during

its regular Joint Sunset Review Oversight Hearings.

(d) Notwithstanding any other law, if the board, following the evaluation conducted pursuant to subdivision (a), concludes that the California-specific examination is not necessary to establish a minimum level of competency of shorthand reporters and that the examination poses a barrier to licensure as a shorthand reporter, the board may vote to replace the examination with the National Court Reporters Association's or the National Verbatim Reporters Association's certification examination. Until that time, the board may otherwise revise its examination requirements based on the evaluation conducted pursuant to subdivision (a).

37 SEC. 3. Section 69957 of the Government Code is amended

38 to read:

39 69957. (a) If an official reporter or an official reporter pro 40 tempore is unavailable to report an action or proceeding in a court, -7- SB 662

1 subject to the availability of approved equipment and equipment 2 monitors, the court may order that, in any civil case, or a 3 misdemeanor or infraction case, the action or proceeding be 4 electronically recorded, including all the testimony, the objections 5 made, the ruling of the court, the exceptions taken, all arraignments, pleas, and sentences of defendants in criminal cases, the arguments 6 7 of the attorneys to the jury, and all statements and remarks made 8 and oral instructions given by the judge. A transcript derived from 9 an electronic recording may be utilized whenever a transcript of 10 court proceedings is required. Transcripts derived from electronic 11 recordings shall include a designation of "inaudible" or 12 "unintelligible" for those portions of the recording that contain no 13 audible sound or are not discernible. The electronic recording device and appurtenant equipment shall be of a type approved by 15 the Judicial Council for courtroom use and shall only be purchased 16 for use as provided by this section. A court shall not expend funds 17 for or use electronic recording technology or equipment to make 18 an unofficial record of an action or proceeding, including for 19 purposes of judicial notetaking, or to make the official record of 20 an action or proceeding in circumstances not authorized by this 21 section. 22

(b) If a transcript of court proceedings is requested, the court shall provide a certified shorthand reporter the right of first refusal to transcribe the electronically recorded proceeding. For the purposes of this section, "certified shorthand reporter" means the same as in Section 8018 of the Business and Professions Code and includes an individual with a provisional certificate issued pursuant to Section 8028 of the Business and Professions Code; Code.

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- (c) The court shall make every effort to hire a court reporter for an action or proceeding before electing to have the action or proceeding be electronically recorded pursuant to subdivision (a).
- (d) Notwithstanding subdivision (a), a court may use electronic recording equipment for the internal personnel purpose of monitoring the performance of subordinate judicial officers, as defined in Section 71601 of the Government Code, hearing officers, and temporary judges while proceedings are conducted in the courtroom, if notice is provided to the subordinate judicial officer, hearing officer, or temporary judge, and to the litigants, that the proceeding may be recorded for that purpose. An electronic recording made for the purpose of monitoring that performance

SB 662 —8—

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shall not be used for any other purpose and shall not be made publicly available. Any recording made pursuant to this subdivision shall be destroyed two years after the date of the proceeding unless a personnel matter is pending relating to performance of the subordinate judicial officer, hearing officer, or temporary judge.

- (e) Prior to purchasing or leasing any electronic recording technology or equipment, a court shall obtain advance approval from the Judicial Council, which may grant that approval only if the use of the technology or equipment will be consistent with this section.
- (f) The Judicial Council shall adopt rules and standards regarding the use of electronic recordings to ensure recordings are able to be easily transcribed.

SEC. 4. Section 69957.5 is added to the Government Code, to read:

69957.5. (a) The Judicial Council shall collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters. Courts shall include whether the court reporters they have hired are court reporters that are returning to court reporting after having left the profession, coming from another court, coming from the private market, or are new to the profession in California.

(b) Beginning January 1, 2025, and annually thereafter until all such funds are expended, the Judicial Council shall report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent. The report shall include whether the court reporters that have been hired are court reporters that are returning to court reporting after having left the profession, coming from a different court, coming from the private market, or are new to the profession in California. The report shall comply with Section 9795 of the Government Code.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, climinates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

-9-SB 662

- the meaning of Section 6 of Article XIII B of the California
 Constitution:

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- 1 the meaning of Section 6 of Article XIIIB of the California
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Exhibit 8

THERECORDER



Court reporter using stenograph machine. Photo: Rick Kopstein/ALM

NEWS

Bill to Allow Electronic Recording in Civil Cases Dies in California Legislature

SB 662, backed by the Judicial Council, was opposed by politically powerful labor groups representing court reporters.

0871

January 19, 2024 at 11:25 AM

3 minute read

Legislation



By Cheryl Miller

California legislation that would have allowed courts to electronically record civil proceedings when no certified reporters are available died in a fiscal committee Thursday amid opposition from organized labor.

The Senate Appropriations Committee did not call <u>SB 662</u> for a vote, effectively killing the bill before a procedural deadline Friday. The bill's author, Sen. Susan Rubio, D-Baldwin Park, did not respond to a message seeking comment.

SB 662's demise marked the latest failed attempt to expand the use of electronic recording in courtrooms as many trial courts struggle to find enough certified shorthand reporters to cover proceedings.

Approximately three-quarters of the state's courts were actively recruiting licensed reporters last year between July and September, according to the most recent <u>figures</u> posted by the Judicial Council.

Politically influential labor groups representing licensed court reporters have successfully fought back any attempt to expand what's now the limited use of electronic recording in courthouses, arguing that the technology is unreliable, a potential privacy risk and a threat to a well-paying profession dominated by women. Court reporters say court administrators haven't recruited effectively to fill vacancies or haven't offered competitive salaries to attract freelancers.

But more money hasn't solved the shortages.

In 2021, the Legislature and governor gave trial courts \$30 million to increase the number of certified reporters in family law and civil cases. The number of court reporters retiring or resigning, however, continues to outpace the number of new hires, according to the Judicial Council.

San Francisco County Superior Court leaders announced this week that they still have 15 court reporter vacancies despite their efforts to entice applicants with a \$30,000 signing bonus and a top-step salary of nearly \$150,000.

"It is essential to find a remedy to close this chasm of injustice that fails litigants who cannot afford to hire their own CSR (certified shorthand reporter) while favoring others with the financial means to pay a court reporter to take a verbatim record of their day in court," Presiding Judge Anne-Christine Massullo said in a statement endorsing SB 662.

SB 662 was co-sponsored by the Family Violence Appellate Project and the Legal Aid Association of California, groups whose leaders say the lack of a verbatim court record makes it difficult for litigants who cannot afford a court reporter to enforce a court order or appeal a decision.

Among the 2024 legislative priorities the Judicial Council is expected to endorse at its meeting Friday is fixing the court reporter shortage and pursuing related "innovations in technology."

In other action Thursday, the Senate Appropriations Committee also declined to take up <u>SB 581</u>, which would have <u>created</u> a regulatory system for nonrecourse financiers that provide up-front money to small-scale litigants to cover personal expenses in exchange for a percentage of any future judgments or settlements.

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Exhibit 9



March 5, 2024

Hon. Thomas J. Umberg Senator, 34th District 1021 O Street, Suite 6530 Sacramento, California 95814

Dear Senator Umberg:

At the end of December, you requested that we examine the current and future availability of court reporters in the trial courts and provide information no later than March 5, 2024. In addition to any information we deem to be relevant and important, you specifically asked that we provide data and findings in the following key areas:

- Existing policies related to the provision of court reporters across case types and
 specific proceedings, including how courts are operationally making use of their
 existing court reporter workforce, the extent to which electronic recording is being
 utilized because court reporters are not available, and the extent to which there is a
 lack of record because electronic recording is not permitted by law and a court
 reporter is not available.
- Existing court reporter levels, the extent to which there is a shortage, and potential factors contributing to a shortage.
- Future availability of court reporters, including the impact of the authorization of voice reporting as a means of producing a verbatim record and trends related to the number of people becoming newly certified.
- Use and impact of the additional ongoing funding provided to increase the number of court reporters in family and civil cases.

LAO Summary. In this letter, we provide background information on court reporting, and information on the current and future overall availability of court reporters in California, as well as their specific availability and use in the trial courts. This includes information on how the availability of court reporters in the trial courts has (1) affected how courts use court reporters and electronic recording, (2) affected the production of records of proceedings, and (3) created operational challenges for the courts. We then provide information on how much is currently spent to support court reporter services as well as how the trial courts have made use of the \$30 million in additional General Fund support provided annually to increase the number of official court reporters in family and civil law proceedings. In addition, we discuss how trial courts are competing with the private sector for court reporters. Finally, we provide key questions for legislative consideration related to the availability of court reporters. To prepare this letter, we evaluated data collected from and/or provided by the Court Reporters Board

Legislative Analyst's Office
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(CRB), Judicial Council, and trial courts, and consulted relevant papers and studies. We also consulted with numerous key stakeholders—notably CRB, trial court administrators, and court reporters—to obtain a diverse range of perspectives and insights.

BACKGROUND

Court Reporters Licensed by State

Court Reporters Create Records of Legal Proceedings. Court reporters create records in court proceedings as well as non-court proceedings (such as depositions). Court reporters can be public employees hired by the courts, private contractors who can be hired individually by the courts or lawyers, or private employees who work for a private firm which can contract with the courts or lawyers to provide services.

Court Reporters Licensed by State to Create Records in Different Ways. State law requires CRB to oversee the court reporter profession. This includes the licensing of court reporters, the registration of all entities offering court reporting services, and the enforcement of related state laws and regulations. Prior to September 2022, court reporters were generally licensed to produce an official verbatim record via a stenographic machine-a specialized keyboard or typewriter used to capture their typed shorthand. These court reporters are generally known as "stenographers." Chapter 569 of 2022 (AB 156, Committee on Budget) authorized voice writing as an additional valid method of creating such a record beginning September 2022 and authorized CRB to issue licenses for court reporters-known as "voice writers"-who use voice writing. Voice writers make verbatim records by using a machine to capture their verbal dictation of shorthand. Court reporters can also be requested to produce transcripts. This requires them to transcribe the shorthand records they produce into a specific written format that can be read by untrained individuals. Chapter 569 also required that licensees-whether they produced a record via stenography or voice writing-be treated the same by CRB and public employers. This specifically includes prohibiting public employers from providing different compensation purely based on the manner in which the licensee produces the record.

Court Reporters Must Qualify for and Pass a Licensing Examination. To receive a court reporter license, individuals must pass a licensing examination, be over the age of 18, and have a high school education or its equivalent. Individuals may qualify for the examination in various ways, such as successfully completing a court reporting school program or having a license from another state. In a May 2023 Occupational Analysis conducted by the Department of Consumer Affairs (DCA), a survey of select court reporters indicated that 90 percent of licensees qualified for the court reporter licensing examination by completing a course of study through a California recognized court-reporting school. The court reporter licensing examination consists of three parts: (1) a written, computer-based English grammar, punctuation, and vocabulary test; (2) a written, computer-based professional practice test evaluating knowledge of statutory and regulatory requirements as well as key legal and medical terminology; and (3) a practical dictation and transcription test in which individuals must be able to transcribe a ten-minute simulated court proceeding at 200 words per minute and with a minimum 97.5 percent accuracy rate.

Court Reporter Licenses Valid for One Year. Court reporter licenses are valid for one year, require the payment of an annual fee, and indicate whether licensees are certified in stenography and/or voice writing. CRB can suspend or revoke licenses if professional standards are not met as well as reinstate them if appropriate. Licensees who fail to pay their fees for three consecutive years are required to retake the licensing examination. Additionally, licensees are required to notify CRB of any name or address changes within 30 days.

Court Reporters Provide Service to Trial Courts

Records of Court Proceedings Are Important for Due Process. A record in court proceedings is important to ensure due process. For example, a lack of a record can mean that not all parties in a case have the same understanding of what occurred in the proceeding (such as the specific conditions of a restraining order). It can also make it difficult for an appeal to succeed. In addition, a record is often necessary to substantiate a claim of judicial misconduct. This is because, without a record, it can be difficult for the Commission on Judicial Performance—which is responsible for adjudicating claims of judicial misconduct—to investigate and resolve such claims.

Court Reporters Required to Make Records in Certain Court Proceedings. State law mandates court reporters prepare official verbatim records of certain court proceedings. This includes felony and misdemeanor, juvenile delinquency and dependency, and select civil case proceedings. However, even in non-mandated proceedings, trial courts may choose to provide a court reporter if one is available. If the trial courts are unable to (or choose not to) provide court reporters in non-mandated proceedings, litigants are allowed to hire and bring their own private court reporters to make a record of proceedings at their own expense. State law generally requires that court reporters provided by the trial courts be present in person.

Court Reporters Paid for by Courts or Litigants Depending on Various Factors. The trial courts bear the costs for providing court reporters in mandated proceedings and may choose to bear the cost in cases where they elect to provide court reporter in certain non-mandated proceedings. However, for non-mandated civil proceedings, state law generally requires a \$30 fee be charged for proceedings lasting an hour or less and that actual costs generally be charged for proceedings lasting more than an hour. Because the actual cost is charged, the amount paid can vary by court. Despite this general policy, trial courts are required to provide and pay for court reporters in non-mandated civil proceeding for those individuals who request one and are low income enough to qualify for and be granted a fee waiver by the courts (known as Jameson cases). Court reporters separately charge courts (generally in mandated proceedings) and litigants (generally in non-mandated proceedings) for the costs of preparing transcripts.

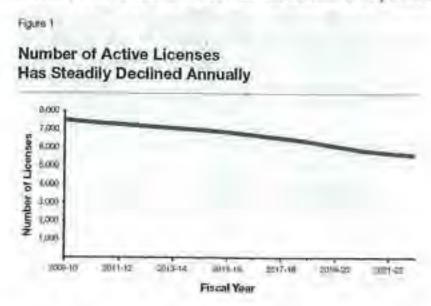
Electronic Recording Used in Lieu of Court Reporters in Certain Proceedings. If a court reporter is not available, state law authorizes trial courts to use electronic recording to make a record in infraction, misdemeanor, limited civil, and Jameson civil case proceedings. When electronic recording is used in lieu of a court reporter, the proceedings are recorded by equipment in the courtroom. Courts may charge a fee to provide a copy of a recording to a litigant—typically to cover the court's cost of providing the recording. In some cases, electronic

recordings can be used in lieu of a record produced by a court reporter. In other cases, an electronic recording must be transcribed to produce a transcript.

OVERALL AVAILABILITY OF COURT REPORTERS IN CALIFORNIA

Current Availability of Court Reporters Declining and Geographically Concentrated

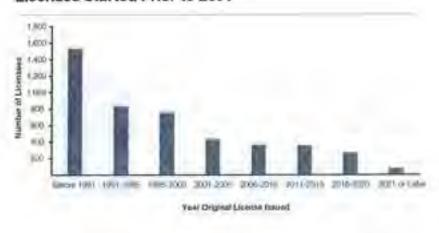
Number of Licensed Court Reporters Declining. The number of court reporters with active licenses has steadily declined over the last 14 years. As shown in Figure 1, the number of court reporters with active licenses declined from 7.503 licenses in 2009-10 to 5,584 licenses in 2022-23—a decline of 1,919 licenses (26 percent). Of the 5,584 active licensees in 2022-23, 4,752 (85 percent) reported being in state and 832 (15 percent) reported being out of the state or out of the country. (The number of active in state licensees is particularly relevant as state law generally requires that court reporters provided by the trial courts be present in person.) We would also note that the number of active licensees reporting being out of the state or out of the country has increased in recent years. Specifically, 188 more active licensees reported being out of state or out of the country in 2022-23 than in 2019-20—an increase of 29 percent.



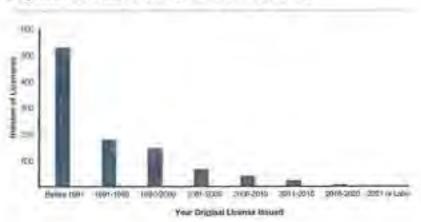
Many Existing Court Reporters Could Be Approaching Retirement. In examining court reporter licensee data as of January 2024, there were 5,444 active court reporter licensees—of which 4,618 were in state and 826 were out of the state or out of the country. As shown in Figure 2 on the next page, about two-thirds of active in-state licensees (3,115 individuals) received their initial license prior to 2001—more than 23 years ago. Additionally, the number of licensees receiving their initial license in recent years has declined. This suggests that the existing court reporter licensee population is generally older and that a major share of them could be eligible for retirement in the near future. Further supporting this conclusion, the data reflected

about 990 delinquent or expired licenses as of January 2024. As shown in Figure 3, 86 percent of these licensees (851 individuals) received their initial license prior to 2001. This suggests that it is possible that many of the individuals who allowed their license to become expired or go delinquent did so due to retirement. Finally, the DCA May 2023 Occupational Analysis indicated that about 40 percent of court reporter survey respondents self-reported being ten years or less from retirement.

Two-Thirds of Active In-State Licenses Started Prior to 2001

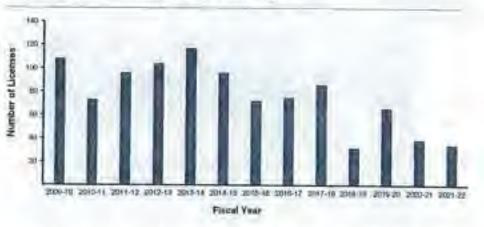


Over Four-Fifths of Delinquent or Expired Licenses First Issued Before 2001



New Licenses Generally Decreasing in Years Before the Authorization of Voice Writing. As shown in Figure 4, the number of new licenses issued by CRB has generally declined in recent years. It is important to note, however, that this data does not reflect the time period after the authorization of voice writing in September 2022. The number of new licenses issued has fluctuated between 2009-10 and 2021-22—ranging from a high of 117 licenses in 2013-14 to a low of 32 licenses in 2018-19. In the two years just prior to the authorization of voice writing, there were relatively few new licenses. Specifically, there were 39 new licenses in 2020-21 and 35 new licenses in 2021-22, which could reflect the impacts of the COVID-19 pandemic.

Figure 4
Fewer New Licenses Issued in Recent Years
(Before Authorization of Voice Writing)

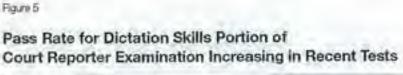


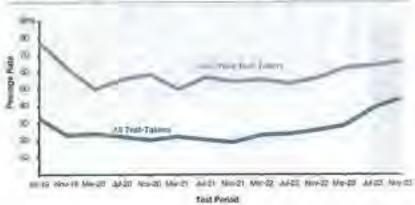
Court Reporters Geographically Concentrated. As of January 2024, active licensees are physically located in 54 out of the state's 58 counties. Consistent with the state's overall population distribution, licensees tend to be geographically concentrated in certain counties. Specifically, out of the 4,618 in-state active licensees, nearly 38 percent were located in two counties—1,101 licensees (24 percent) in Los Angeles County and 654 licensees in Orange County (14 percent). Another ten counties had between 100 to 355 active licensees each—representing about 39 percent of the active licensee population. In total, this means that a little more than three-quarters of the active in-state licensees are located in 12 counties. This is notable as court reporters provided by the courts are generally required to appear in person at court facilities. As such, certain courts may have more difficulty than others in meeting their need.

Future Availability of Court Reporters May Increase Due to Voice Writing

Voice Writing Could Increase Licensing Examination Passage Rates. As voice writing was authorized as a valid method for producing a record only in September 2022, there is currently limited data to assess its impact. However, there are some early promising signs that voice writing could help increase the number of individuals passing the licensing examination. In conversations with stakeholders, our understanding is that the dictation skills portion of the licensing examination is easier to pass for voice writers than stenographers. This is because

individuals generally speak naturally at a faster rate than they can type, which can make it easier for voice writers to complete their court reporting school programs and meet the minimum speed and accuracy thresholds to pass the dictation portion of the exam. As shown in Figure 5, the overall pass rate for the dictation skills portion of the court reporter examination has increased in the two most recent tests offered in July and November 2023—the first two months in which voice writers from court reporting school programs took the test. Specifically, the pass rate for all test-takers increased from 29 percent in the March 2023 test to 45 percent in the November 2023 test. The idea that the overall higher passage rates in July and November 2023 are potentially due to the high passage rates of voice writers is supported by data on dictation skills test results for those coming out of a court reporter school program. Specifically, in looking at the July 2023 results, voice writers (all first-time test-takers) averaged a pass rate of 50 percent and stenographers averaged a pass rate of 23 percent. Similarly, in looking at the November 2023 results, voice writers averaged a pass rate of 73 percent and stenographers averaged a pass rate of 13 percent.





Voice Writing Could Increase Number of Individuals Pursuing Court Reporting Careers, In conversations with stakeholders, the seemingly higher pass rate for voice writers and the shorter time needed to complete court reporting school programs for voice writers could result in more people seeking to become court reporters. (As mentioned above, most individuals qualify for the court reporting licensing examination by completing a school program.) Stakeholders shared that court reporting schools have begun offering voice writing programs and indicated that at least some schools now have wait lists of students. Supporting this perspective, since the authorization of voice writing in September 2022, four out of eight registered California reporting schools have had voice writing students from their programs taking the dictation portion of the court reporter examination. Additionally, as of January 2024, CRB reports 30 individuals being licensed as voice writers and 4 being licensed as both stenographers and voice writers. In addition, with shorter program lengths and higher passage rates for voice

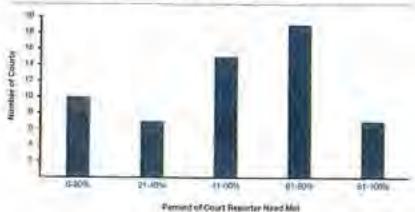
writing, it could be fiscally beneficial for more schools to offer voice writing or for schools to offer more slots or classes in voice writing as more students can be processed at a lower cost compared to stenography. As such, the authorization of voice writing could help increase the total number of active court reporter licensees in the near future.

AVAILABILITY OF COURT REPORTERS IN CALIFORNIA TRIAL COURTS

Number of Court Reporters Below Reported Need and Declining

Actual Number of Court Reporters Less Than Need Identified by Judicial Branch, Using 2022-23 data, the judicial branch indicates that 1,865.5 full-time equivalent (FTE) court reporter staff would be needed for trial courts to provide court reporters in all proceedings-except for infractions, misdemeanors, and limited civil proceedings in which electronic recording is authorized. (For the purposes of counting FTEs, two half-time employees are counted as one FTE.) This estimate was reached by assuming the courts would need 1.25 FTE court reporters for each judicial officer. The trial courts also report that about 1,164 FTE positions (69 percent) were filled in 2022-23-which leaves 691 FTE positions (37 percent) that the judicial branch estimates would need to be filled to provide court reporters in all proceedings where electronic recording is not authorized. (We note that this difference may actually be greater. After comparing conversations with certain court administrators with data, we believe that some PTE positions reported as filled may not actually be regularly filled. This is because some FTE positions may have been reported as filled despite court reporters having retired or being out on the leave for part or most of the year.) The specific need, however, varies by court. For example, the Kings court reports having filled FTEs sufficient to meet only 15 percent of its estimated need. In contrast, the San Mateo court reports having filled FTEs sufficient to meet 84 percent of its estimated need. As shown in Figure 6, most courts currently have less than 80 percent of their estimated need met:

Most Courts Have Less Than 80 Percent of Estimated Court Reporter Need Met



Increased Vacancies at Courts. Through a survey we administered with nearly all trial courts responding, trial courts have reported a marked increase in the number of court reporter FTE vacancies they are experiencing. (We would note trial courts, in contrast to state agencies, have greater flexibility in the creation and elimination of positions. Trial courts individually may also treat position counts differently. As such, the actual number of vacancies could be higher or lower than reported.) As shown in Figure 7, court reporter FTE vacancies have increased from 152 FTE positions as of July 2020 (a 10 percent vacancy rate) to 400 FTE positions as of July 2023 (a 25 percent vacancy rate). This is despite increased efforts by trial courts to actively recruit new court reporters—including by offering significant compensation-related benefits beginning in 2022-23. (These benefits, which are partially or fully supported by \$30 million in dedicated annual state funding, are discussed in more detail later in this letter.)



Departures Not Offset Despite Increased Hiring. While nearly all trial courts responded to the survey we administered, not all courts were able to provide the data we requested related to new hires and departures. The data received, however, indicate that the number of court reporter FTEs leaving courts has not been offset by increased FTE hiring numbers. Trial courts reported roughly between 150 to 200 departures each year between 2020-21 and 2022-23. In contrast, trial courts reported hiring 71 new FTEs in 2020-21, which increased to 104 new FTEs in 2022-23. However, as shown in Figure 8 on the next page, these new hires were not sufficient to replace the departures—leading to a net loss of court reporter FTE positions—consistent with the increased vacancies described above. The number of courts actively recruiting for new court reporter employees also increased from 29 courts in 2020-21 to 42 courts in 2022-23—an increase of 45 percent. Courts indicated that some common reasons for departures included retirement, going into the private market, and resignation.

Figure B

New Hires Unable to Offset Departures

| 2030-21 | 2021-22 | 2022-23 |
|---------|-----------------|----------------------------|
| 152 | 200 | 149 |
| 21 | 88 | 104 |
| -81 | 111 | 45 |
| 29 | 39 | 42 |
| | 152 71 81 | 152 200 71 88 81 111 |

10

FTE = full-time equivalent.

Courts Starting to Hire Voice Writers. To date, seven courts have reported hiring voice writers. In examining data from courts that were able to provide hiring data, about 9.3 FTE out of 60.5 FTE new hires (15 percent) were voice writers. In addition, about 80 percent of trial courts expressed no preference between court reporters creating a record via stenography versus voice writing. The remainder who expressed a preference for stenography generally indicated that, for most of them, the preference was due to a current lack of familiarity with voice writing. It seems as if this can be easily overcome by demonstrations and education to make courts more knowledgeable and confident in voice writing. This suggests the authorization of voice writing could have a positive impact in helping the trial courts address their identified court reporter need.

Current Availability of Court Reporters Has Impacted Courts in Various Ways

Availability of Court Reporters Has Affected How Courts Assign Court Reporters to Proceedings. Existing trial court polices for use of court reporters varies by court based on operational and budgetary choices, as well as on the overall availability of court reporter employees and private court reporters. In the past, when court reporter availability was sufficient, our understanding was that court reporters were generally assigned to a specific courtroom or judge. Over time, due to the decline in the availability of court reporters at the trial courts, this policy has changed. Now, some courts assign their court reporters to specific courthouse locations, courtrooms, or calendars. Other courts place their court reporters in a pool by case type or location and assign them out as needed. Still other courts have some court reporters that are designated as "floaters" who are available to be assigned to any proceeding or location as needed. Courts may also use a combination of these methods. For example, a court may assign court reporters to criminal and juvenile courtrooms as those generally have mandated proceedings and pool court reporters available for civil cases to assign them out for specific proceedings that may need to be covered. Court reporters who finish their assignment earlier than expected may then be assigned to another courtroom. Finally, trial courts may contract with a private firm or hire private court reporter contractors to cover vacancies, scheduled or unscheduled court reporter absences, and unexpected demand for court reporter services.

Availability of Court Reports Has Limited the Types of Proceedings Court Reporters Are Provided in. The availability of court reporters in each trial court also shapes what types of proceedings a court reporter may be provided for. All trial courts typically provide court reporters in felony and juvenile proceedings as mandated by law. While court reporters are also generally mandated in misdemeanor proceedings, some courts use electronic recording in these proceedings when a court reporter is not available as allowed by law (this is discussed in greater detail below). Courts generally do not provide court reporters in infraction cases. There are more significant differences in civil case types—including general civil, family, probate, and mental health proceedings. While a select number of civil proceedings are required to be covered by a court reporter, trial courts have more discretion in whether other civil proceedings are covered. This leads to more significant differences between trial courts. For example, courts differ in whether court reporters are provided in restraining order proceedings and conservatorship proceedings. However, over time, courts have slowly withdrawn court reporters from various civil proceedings. For example, the Santa Cruz court stopped regularly providing court reporters in probate cases in 2018, in Department of Child Support Services proceedings in 2021, and civil and family restraining orders in 2023. Most courts currently do not provide court reporters in non-mandated civil proceedings, but may attempt to do so if court reporter resources are available. For example, one court reported attempting to ensure a court reporter was available to cover domestic violence restraining order proceedings after the court ensured that all mandated proceedings were covered.

Availability of Court Reporters Has Resulted in Courts Using More Electronic Recording.

The availability of court reporters has resulted in more courts turning to electronic recording to create records in misdemeanor and limited civil (including eviction cases that fall within the threshold) proceedings. Electronic recordings may also be used in other civil proceedings, such as those subject to a Jameson request or at the direction of the court. For example, the Presiding Judge in the Ventura court issued an administrative order in February 2023 specifying that (1) court reporters will no longer be provided in family law contempt proceedings given the lack of available court reporters and (2) electronic recording was authorized to create the record instead as such proceedings were quasi-criminal in nature.

Limited Data on Extent to Which Availability of Court Reporters Affects Whether Records Are Created. Due to technological constraints, trial courts generally had some difficulty providing comprehensive information on the number of proceedings (1) in which records were created in 2022-23, (2) that were statutorily required to have a record made, (3) in which a record was made because it was requested by one of the participants, (4) in which electronic recording is being utilized because court reporters are not available, and (5) in which there is a lack of record because electronic recording is not permitted by law and a court reporter is not available. About two-thirds of the trial courts were able to provide some data, but with varying levels of completeness. Based on this data, the trial courts reported:

- 5.1 million proceedings across all case types in 2022-23 had a record created. Of this
 amount, 2.1 million were made via electronic recording—1.9 million in criminal
 proceedings, about 350 in juvenile proceedings, and about 185,100 in civil
 proceedings. The remaining 3 million records were made by a court reporter—
 2.2 million in criminal proceedings, about 390,300 in juvenile proceedings, and about
 409,500 in civil proceedings.
- 1.6 million proceedings across all case types in 2022-23 had no record created. This
 consisted of about 717,700 criminal proceedings (of which about 60 percent were
 infraction proceedings), nearly 22,700 juvenile proceedings (of which about

89 percent were dependency proceedings), and about 864,100 civil proceedings lacking records. For the civil proceedings lacking records, the most common proceedings lacking records were unlimited civil proceedings (44 percent), non-child support family law proceedings (33 percent), and probate proceedings (14 percent).

Availability of Court Reporters Has Created Operational Challenges. As noted above, the judicial branch estimates that only 62 percent of total court reporter need was met in 2022-23. However, the estimated need differs significantly by court. Based on data provided by trial courts, as well as conversations with stakeholders, the diminished availability of court reporter employees and private court reporters has presented the following key operational challenges:

- Staff Time and Resources Being Used to Manage Court Reporter Coverage. Trial courts frequently need to spend staff time and resources placing calls to find private court reporters to cover planned and unplanned absences as well as any increased demand (such as if more criminal cases than expected are going to trial). They also must routinely spend staff time assigning court reporters to different courtrooms multiple times in a day. For example, a court reporter covering a calendar which ends before noon may then get assigned to another courtroom to provide coverage on another calendar or a particular case. Similarly, staff must spend time facilitating the presence of private court reporters hired by attorneys and litigants to cover specific cases. For example, when multiple private court reporters are present in a single courtroom for a particular calendar, court staff must dedicate time to scheduling the proceeding to accommodate them (such as to ensure that they can be physically or remotely present to make a record of the proceedings).
- Delays and Changes to Court Schedules and Calendars. Courts also can be forced
 to adjust schedules and calendars to account for the availability of court reporters.
 This can include starting a calendar later as well as delaying or continuing cases.
 Courts indicate that Jameson cases are examples of key cases that may get continued
 or delayed if court reporters are not available.
- Competition Between Courts for Court Reporters. The decline in court reporter employees has led to courts competing with one another to hire court reporters. Our understanding from conversations with stakeholders is that this has prompted differences in the amount of benefits (such as signing bonuses) offered to incentivize court reporters to be employed directly by the trial courts (which we discuss in more detail below) as well as the total compensation packages offered by trial courts. Additionally, key stakeholders indicated that the rates paid to private court reporters to provide coverage have also increased over time. Since private court reporters are able to choose whether they accept a particular assignment or not, differences in the amounts courts are willing to pay can also result in courts competing with one another for private court reporter services. In conversations with stakeholders, it appears that court reporters are generally aware of the compensation offered by courts—as well as how courts generally use and treat their court reporters.

Pay for Non-Court Reporting Positions. Based on conversations with stakeholders, certain court administrators are considering how court reporter compensation compares to compensation for other positions within the court (such as managers or information technology administrators). Some concern was expressed that increases in court reporter compensation caused by competition for court reporters could result in their pay exceeding those of managers and other professional classifications. This could put pressure on administrators to increase compensation for those positions—and thus overall operational costs.

TRIAL COURT SPENDING ON COURT REPORTERS

Amount Spent by Trial Courts to Support Court Reporter Services

More Than \$200 Million in Estimated Court Reporter Expenditures Annually. The Judicial branch estimates that more than \$200 million is spent annually on court reporters or to create a record in trial court proceedings. (This does not include the \$30 million provided annually beginning in 2021-22 to increase court reporters in family and civil cases, which are discussed later in this letter.) As shown in Figure 9, an estimated \$237 million was spent on such services. Of this amount, \$214 million was estimated to be spent on court reporter services—\$209 million budgeted for court employees and \$5 million actually spent on private contract services. (Due to information technology system constraints, the judicial branch was not able to provide data on the specific amount actually spent on court employees.) The remaining \$23 million was spent on transcript costs as well as costs related to electronic recording. Between 2020-21 and 2022-23, the amount spent on court employees has decreased, while the amount spent on contract services as well as transcripts and electronic recording has increased.

Figure 9

Estimated Amount Spent on Court Reporters and Creating a Record*

(In Millions)

| | 2020-21 | 2021-22 | 2022-23 |
|---|-----------|-----------|----------|
| Court employees (budgetess) | 5227.1 | 6221.6 | \$209.1 |
| Contract services (actuals) | 28 | 2.6 | 5.1 |
| Subtotals | (\$229.9) | (\$225,6) | (5214.1) |
| Transcripts and electronic recording lactualist | 512.7 | \$19.0 | \$22.6 |
| Sublotals | (512.7) | (\$18.0) | \$22.5) |
| Totals | \$242.7 | \$243.5 | \$236.8 |

Does not include expenditions of \$30 mison provided arresing to vicrosise court reported in family and drift come baginning in 2021-22.

Fees Authorized Only Offset a Portion of Civil Court Reporter Expenses. State law authorizes \$30 of certain civil filing fees be set aside as an incentive for courts to provide court reporters in civil proceedings. This funding is only available to trial courts who actually provide such services. (We note that Judicial Council has the authority to use these revenues to help support trial court operations.) Additionally, as noted above, state law generally requires a

\$30 fee be charged for proceedings lasting an hour or less and that actual costs generally be charged for proceedings lasting more than an hour in non-mandated civil proceedings. As shown in Figure 10, nearly \$22 million in fee revenue was collected from the authorized fees. Of this amount, \$18 million came from the share of filing fees set aside as an incentive to provide court reporter services in civil cases. The remaining \$4 million came from fees charged for non-mandated civil proceedings lasting less than one hour (\$2 million) and those lasting more than one hour (\$2 million). The judicial branch estimates that \$80 million was spent on providing court reporter services in civil proceedings generally in 2622-23. (We note that, because trial courts do not track court reporter time by individual case type, the judicial branch estimates that about 37.5 percent of court reporter time is spent on civil proceedings. This percentage was then applied to the total amount spent on court reporter services.) Accordingly, if this full \$22 million in fee revenue was used to offset court reporter costs in civil proceedings, it left a net cost of \$59 million to be supported by trial court operational funding.

About One-Quarter of Civil Court Reporter Costs Offset by Fee Revenue (In Millions)

| | 2020-21 | 2021-22 | 2022-23 |
|--|----------------------------------|----------------------------------|---------------------------------|
| Estimated Offsetting Fee Revenue for Court Reporters | In Civil Proceedings | | |
| Share of certain civil filing taxs. Proceedings lessing more than one hour. Proceedings lessing less than one hour. Sublocate. | \$16,7 2.1 3.7 (\$22.5) | \$10.0 2.0 3.3 (\$27.3) | 817.5 1.9 2.1 (\$21.5) |
| Civil Costs Not Offset by Feet | | | |
| Estimated costs of court reporters in civil cases Estimated offsetting revenue | \$86.2 22.5 | 564.6 21.3 | \$80.3 21.5 |
| Net Cost | \$63.7 | \$63.3 | 888.8 |

Impact of Dedicated Funding for Increasing Court Reporters in Family and Civil Proceedings

State Provided Funding to Increase Court Reporters in Family and Civil Law Proceedings.

Beginning in 2021-22, the state budget has annually included \$30 million from the General Fund to be allocated by Judicial Council to the trial courts to increase the number of court reporters in family and civil law proceedings. The budget prohibits the funding from supplanting existing monies used to support court reporter services in such cases and required any unspent monies revent to the General Fund. Judicial Council allocated the funding to individual trial courts proportionately based on the level of judicial workload in noncriminal cases, but ensured that the smallest courts received a minimum of \$25,000 in order to be able to support a 0.25 FTE court reporter position.

Amount Reverted Initially High, but Now Declining. As shown in Figure 11 on the next page, only \$1.1 million of this allocation (4 percent) was spent in 2021-22—resulting in the reversion of \$28.9 million (96 percent). In conversations with stakeholders, the lack of expenditures seems attributable to differences in the interpretation of budget bill language specifying how the monies could be used. The 2022-23 budget package included amended

budget bill language to provide greater clarification on how this dedicated \$30 million could be used. (This language is also included in the 2023-24 budget and in the proposed 2024-25 budget.) Under the amended language, trial courts are specifically authorized to use the money for recruitment and retention, filling existing vacancies, converting part-time positions to full-time positions, increasing salary schedules, and providing signing and retention bonuses in order to compete with the private market. As shown in Figure 11, the amount spent increased substantially to \$20.3 million of the allocation (68 percent) in 2022-23—resulting in the reversion of \$9.7 million (32 percent). Additionally, the number of courts making expenditures using this money increased from 8 courts in 2021-22 to 44 courts in 2022-23. Through the first half of 2023-24, 26 courts have already reported using a share of this funding.

Amount of Dedicated \$30 Million Spent and Reverted

| | 2021-22 | 2022-23 | 2023-24 (Through December 2023) |
|---|--------------|-------------|------------------------------------|
| Number of courts making expenditures | B | 44 | 25 |
| Budget allocation | \$30,000,000 | 830,000,000 | \$30,000,000 |
| Expenditures | 1,125,140 | 20,282,279 | 3,634,569 |
| Amount Reverted | \$28,874,860 | \$9,717,721 | - |

Amounts Spent on Similar Categories of Benefits. As shown in Figure 12, trial courts spent their monies in similar categories. In 2021-22, the most common expenditures were to increase existing employee salaries and to fill existing vacancies. In 2022-23, retention bonuses were the most common expenditure area.

Figure 12
Amount of \$20 Million Sport by A

| Category of Spending | 2021-22 | 2022-23 |
|---|-------------|--------------|
| Increasing Existing Employee Salaries | \$278,661 | \$5,046,267 |
| Riting Existing Vecancies | 975,523 | 3,920,821 |
| Retention Bonuses | - | B,446,147 |
| Bigning Bonuses | 7,000 | 499,803 |
| Recruiting | 19,878 | 346,966 |
| Converting Part-Time Positions to Full-Time | - | 7.77 |
| Other | 48,021 | 2,264,632 |
| Totals | \$1,329,083 | \$20,526,456 |

^{*} Solar offer from Index exposed in Figure 11 in this refers, sell-reported data reported by Individual and courts.

Specific Benefits Offered Vary by Court. As shown in Figure 13 on the next page, a number of courts are offering benefits in areas in which the \$30 million in dedicated funding can be spent. However, based on their needs, the local market for court reporters, and various other local factors (such as the cost of living), these offerings can look very different. For example, the Los Angeles court offered an up to \$50,000 signing bonus for a new full-time court reporter employee (with a specified amount payable after every six months) that remained employed for two years in

2023-24. This bonus is limited to the first 20 new FTE hires since it was first offered. In contrast, the Humboldt court offered a \$10,000 signing bonus paid in four equal installments over the first year of employment, Similarly, courts are offering various benefits based on their needs—which are captured in the "Other" category. Common expenditures in this area include finders/referral fees; professional, equipment, and technology stipends; tuition reimbursement for court reporting school; increased rates or services from private contractors; and other costs.

Estimated Number of Courts
Offering Benefits by Area-

| Category of Spending | 2021-22 | 2022-23 | 2023-24 (Estimated) |
|---|---------|---------|------------------------|
| Increasing Existing Employee Salignes | A | 24 | 19 |
| Filling Existing Vacancies | | 14 | 13 |
| Refereion Bonuses | - | 28 | 17 |
| Signing Floruses | 1 | 21 | 19 |
| Recruiling | A . | 14 | 15 |
| Converting Part-Time Positions to Full-Time | - | _ | 7 |
| Other | 4 | 26 | 24 |

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Amount Reverted by Court Varied in 2022-23. As shown in Figure 14 on the next page, the amount reverted by each trial court varied in 2022-23. Approximately 64 percent (37 trial courts) reverted more than 40 percent of their share of the \$30 million dedicated allocation. Various factors could account for why courts may have spent more or less of their allocation. For example, expenditures could have been delayed due to the need to obtain union approval to offer a particular benefit (such as to increase existing court employee salaries). In addition, whether costs are incurred from offering certain benefits (such as a signing bonus or court reporting school tuition reimbursement) depends on whether court reporters or others respond to the benefit. For example, a court that offers a signing or referral bonus will not incur expenditures if no one chooses to apply to become a court reporter at that court.

Allocation Benefited Mostly Existing Employees. In examining data provided by those courts who were able to report this level of data, it appears that the dedicated \$30 million allocation—when spent—benefited significantly more existing court reporter employees than new hires, as shown in Figure 15 on the next page. For example, over 90 percent the of the employees (996 FTEs) benefitted in 2022-23 were existing employees. Some of the benefits offered—such as increasing salaries for existing employees, retention bonuses, and longevity bonuses—are specifically targeted to existing court reporter employees. Delaying their departure helps prevent trial court need for court reporters from growing worse. However, the benefits offered to existing employees to encourage them to stay also likely benefit some employees who had no intention of leaving, meaning a portion of such expenditures do not directly increase the availability of court reporters. Other benefits offered—such as signing bonuses or increasing the starting salary for court reporters—are more targeted towards new hires. Such new hires can help reduce the number of court reporter vacancies at a court—directly increasing the availability of court reporters.

Amount Reverted by Court Varied in 2022-23

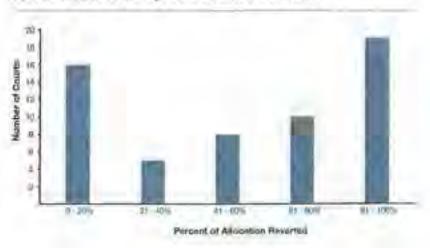


Figure 15

More Existing Employees Benefited From \$30 Million Dedicated Funding

| | 2021-22 | 2022-23 | 2023-24 |
|---------------------|---------------|---------|---------|
| Number of Full-Time | Equivalent Po | altions | |
| Existing employees | 185 | 996 | B71 |
| New hires | 27 | 82 | 54 |
| Totals | 212 | 1,079 | 926 |

Full Impacts of Benefits Offered by Courts Still Unclear. The full impacts of the benefits supported by the \$30 million in dedicated funding are still unclear. This is because the trial courts only began making use of this funding in a significant way in 2022-23 with 44 courts making expenditures. In addition, trial courts have been adapting what is being offered based on the responses they receive. For example, certain courts increased the amount they offered for certain benefits—such as bonuses and stipends—in order to attract more applicants and potential hires. As such, the impacts of these modified benefits may not yet be fully realized. Additionally, in conversations with stakeholders, the trial courts have also offered or are considering offering new types of benefits to potentially attract more court reporters. For example, we have heard that some courts are authorizing part-time court reporter positions and may be considering partnerships to help court reporter students (in particular voice writers) successfully complete their programs and pass the licensing examination. Some of these changes—such as authorizing part-time court reporter positions—may have limited fiscal costs but could have meaningful impact on court reporters. However, the full impacts of the benefits—some of which may be novel or creative—may not be observed until they are fully implemented and tested.

TRIAL COURTS COMPETING WITH PRIVATE SECTOR FOR COURT REPORTERS

Active In-State Licensees Exceed Trial Court Need

In 2022-23, California had 4,752 active, in-state, licensed court reporters. From a May 2023 DCA occupational analysis of court reporters, 41 percent of surveyed court reporters reported that their primary work environment was the court—roughly 1,948 individuals. In the same year, the judicial branch estimated 1,866 FTE court reporters would be needed to provide court reporters in all proceedings except infraction, misdemeanor, and limited civil proceedings and that 1,164 FTEs were currently providing service. While multiple individuals can comprise a single FTE, this gap suggests that there are a number of court reporters who predominantly provide service to the courts but are choosing not to be directly employed by the trial courts. This would include private court reporters who the courts contract with to provide services when court reporter employees are unavailable. Additionally, there are a number of licensees who are choosing to be employed by the private market and not work for the court system. In combination, this suggests trial courts could be having difficulty competing with the private market to procure court reporter services—thereby causing some of the operational difficulties including competition between trial courts, described above.

Three Key Factors Impacting Trial Court Ability to Compete With Private Sector

In conversations with various stakeholders, we identified three key factors that seem to be impacting trial courts' ability to compete with the private sector to attract court reporter employees. This then also creates competition between courts. We discuss each factor in more detail below.

Perception of Higher Compensation in Private Sector. There is a perception that compensation in the private sector is greater than in the trial courts as private court reportersparticularly those who are hired by attorneys-are able to charge desired rates by case or proceedings. We have heard, for example, that this can result in a couple of thousand dollars being charged per day or even half-day. However, we note that it is difficult to fully compare compensation for trial courts' court reporter employees with those in the private market. Court reporter employees generally receive, in addition to their sulary, health and other benefits, as well as retirement or pension benefits which are guaranteed for being available during a set period of time regardless of whether their services are needed. In contrast, while private court reporters are free to charge the rate they desire, they generally do not receive the same level of health, retirement, and other benefits as court reporter employees. Additionally, they are not paid if they do not work, sometimes including in cases where they have reserved time for a trial that does not occur (such as due to the case being settled at the last minute). (We note, however, that some private court reporters have negotiated cancellation charges to help partially offset such losses in compensation.) This means the rates that private court reporters charge must cover their benefits as well as time that is spent not being employed. As such, private court reporters have less stable income and work hours. Thus, while private court reporters may earn more per day they are working, some may ultimately be compensated less over the course of a year.

Accordingly, it difficult to assess whether the full compensation provided to court reporter employees is higher or lower than that earned by private court reporters.

Perception of Better Working Conditions in Private Sector. From conversations with stakeholders, working conditions are another key factor impacting whether court reporters choose to be court reporter employees at the trial courts or private court reporters. Court reporters hired by the court generally work for the entire business day physically in courtrooms. A number are no longer assigned to the same courtroom and/or judge and, as a result, are constantly moving between courtrooms—or even entire facilities (such as driving from one courthouse to another in a day)-as directed by court administration. They also generally do not have a choice in what proceedings they are assigned to create a record for. Busy calendars can also lead to court reporter employees having to keep up with the quick pace and length of the calendar. For example, stakeholders have expressed that court reporter employees new to the industry sometimes struggle to keep up. Some court reporter employees are also effectively required to prepare transcripts outside of their normal working hours because they are in court for most of the day. As noted above, court reporters separately charge for the preparation of transcripts meaning that some court administrators view this as work that should not be done during the business day, which is compensated via the court reporter's salary. In combination, stakeholders have indicated that this can make the work environment very stressful as well as physically and mentally draining. In contrast, private court reporters have much more flexibility in their working conditions. Most notably, private court reporters are able to pick and choose which courts they work in and what cases or proceedings they are willing to cover. This provides significant flexibility to determine how many hours they work, including the amount of time spent in the courtroom. Additionally, private court reporters are able to provide services remotely-which allows them to work at more courts and provides them with flexibility to maximize their working time that otherwise would be spent on travel. If they must be present in person, they are able to negotiate travel expenses as well. In combination, stakeholders indicate that this flexibility allows private court reporters to create the work environment they desire. Moreover, higher levels of autonomy can generally boost overall morale. As such, stakeholders indicated that this flexibility was of great enough importance that the trade-off of less guaranteed income and potentially less net total compensation in working was deemed worthwhile.

Trial Court Recruitment and Retention Activities Could Be Insufficient. It is unclear whether current trial court activities are sufficient to recruit (and retain) new court reporters in the trial courts. The trial courts need to be proactive at ensuring there is steady supply of court reporters willing to work for them as they are a major employer of court reporters and require them to provide litigants with due process in court proceedings. However, it appears that many licensed court reporters are currently unwilling to work for the trial courts. This is evidenced by the fact that the number of active in-state court reporter licenses exceeds trial court need yet the trial courts continue to indicate they have an unmet need. While the trial courts have recently become more actively engaged by offering the benefits discussed above, data suggest this seems to have had limited impact on bringing new hires to the courts in the short run. For example, the reported number of court reporter employees departing has continued to outpace the number being hired. As such, the trial courts may need to consider expanded or improved recruiting activities. For example, some sort of collaboration with schools or new hires to guarantee

employment or provide real-life practical experience could be utilized to recruit people to go to court reporting school as well as to increase the likelihood new court reporters succeed in the trial courts and choose to remain employed there. Similarly, targeted recruiting activities—such as by conducting a survey of what benefits or working conditions would be attractive enough for private court reporters to choose to become and remain public employees—would provide helpful insight to inform how trial court compensation or working conditions may need to be adjusted to recruit more individuals. Absent these increased targeted recruitment efforts, it will likely be difficult for trial courts to meaningfully compete with the private market for court reporter services and ensure their needs are met on an ongoing basis

KEY QUESTIONS FOR LEGISLATIVE CONSIDERATION

The data and information provided in conversation with stakeholders suggest that the trial courts are having difficulty obtaining and maintaining a sufficient number of court reporters. More importantly, this means that courts are also having difficulty providing a record in all of the proceedings that could benefit from it. Below, we provide eight key questions that would be important for the Legislature to answer when determining what action(s) should be taken should the Legislature decide to address these issues.

Is the Availability of Court Reporters in Trial Courts a Limited-Term or Long-Term Problem? The Legislature will need to decide whether the difficulty the trial courts are having to hire and retain sufficient court reporters is a limited-term or long-term problem. Given that voice writing has just been authorized, its full impact on the overall court reporter licensee population has yet to be realized. However, there are promising signs that voice writing may both increase overall court reporter licensees as well as court reporter availability in the trial courts. If the Legislature believes that there will be more court reporters in the near future, it can focus its actions on more immediate term fixes to address trial court difficulty in the short run. For example, the Legislature could temporarily authorize the use of electronic recording in more case types for a couple of years or temporarily allow for court reporters to appear remotely to increase their availability (as they would not need to travel between court locations). However, if the Legislature determines this is a longer-term issue (such as if it believes there will always be a robust and competitive private market), more structural changes in how trial courts employ and/or use court reporters may be necessary.

What Methods of Making a Record Should Be Permissible? The Legislature will need to decide what methods of making an official record should be permissible. This includes whether a record can be made by electronic recording, a court reporter provided by the court, or a private court reporter employed by an attorney or litigant. Under current law, electronic recording is limited to certain proceedings—though some courts have expanded its use in critical proceedings to ensure due process given the lack of available court reporter resources. Allowing for its expansion could help reduce the need to for court reporter services by the trial courts and increase the number of records that are made in the short run (such as if the expansion was granted for a short, defined period) or in the long run (such as if the expansion was indefinite). Expansion of electronic recording could also help improve due process and equity. This is because in the absence of a court reporter, a record will not be made unless an attorney or litigant

pays for their own court reporter. This means individuals who cannot afford a court reporter could end up lacking a record of their case, making it harder for them to appeal or to substantiate a claim before the Commission on Judicial Performance related to judicial misconduct. It could also reduce overall trial court operational costs as electronic recording generally has lower ongoing costs to operate and generate records. This is a notable benefit given the state's budget problem.

Should Court Reporters Be Allowed to Appear Remotely? State law has authorized the ability for judicial proceedings to be conducted remotely—including ones which involve court reporters. However, under existing law, court reporters provided by the courts are generally required to be present in the courtroom. In contrast, private court reporters contracted by the court, attorneys, or litigants may appear remotely. The Legislature may want to consider the trade-offs of having a court reporter being physically present in a courtroom versus being present remotely while creating the record. These trade-offs may differ by case type or proceeding. If there is not a substantial difference, allowing trial courts to use their court reporter employees remotely could free up more of their court reporters' time (such as by minimizing the need to travel), improve overall court operational efficiency, and improve working conditions for some court reporters. This could help improve recruitment and retention.

Should Court Reporter Resources Be Pooled Between Courts? Currently, individual courts hire court reporter employees and private court reporters to cover cases in their respective county. The ease of finding such coverage varies by court based on their geographic location and other factors. As such, the Legislature could review whether the pooling of court reporters between courts, such as regionally or statewide-would be appropriate. For example, the Legislature could determine that it would be appropriate to maintain a regional or statewide pool of court reporters to temporarily fill in for court reporter vacancies or absences (in a manner similar to the assigned judges program). This could help reduce or even eliminate the need for individual trial courts to constantly seek private court reporters to fill any coverage gaps. The Legislature could also consider even going further by pooling all court reporters statewide and allowing them to cover cases remotely on a regular basis rather than just to cover temporary vacancies. We note that doing so would minimize the competition between courts for court reporters. It could also provide greater flexibility to incorporate court reporter desires related to the number of hours worked and/or the types of proceedings they individually cover. However, this would likely require significant negotiations with unions as contracts with court reporters are currently established on a court-by-court basis.

Should the Courts Work With Court Reporting Schools or Others to Improve Recruitment and Retention? Because the courts are a major employer of court reporters in the state, the Legislature could consider whether there is a need for the courts to work more closely with court reporting schools, court reporters, or others (such as high schools) to recruit, train, and prepare people to work successfully in a trial court setting. This could include a stipend and/or tuition reimbursement offered while individuals are in school or training or after they have worked in the court for a certain number of years (similar to a loan repayment program). It could also include allowing court reporting students to intern in the courts, such as by practicing making

records and getting feedback from existing court reporters. Given the state's budget condition, bowever, new state funding to support such options is unlikely to be available in the near term.

How Many Court Reporters Do Trial Courts Need? As noted above, the judicial branch provided its estimated need for court reporter services assuming 1.25 FTE court reporters are needed per judicial officer, excluding the case types for which electronic recording is authorized. However, decisions made by the Legislature could change how many court reporters are needed. For example, the Legislature could (1) choose to expand electronic recording to certain case types (decreasing the need for court reporters), (2) match the number of court reporters to number of courtrooms in which court reporters are now necessary (which would be less than the 1.25 FTE per judicial officer), and (3) utilize a statewide pool of court reporters to cover for any temporary vacancies or absences. This would have the effect of reducing the number of court reporters needed by the trial courts. Depending on the specific choices made by the Legislature, more or less court reporter FTEs could be needed by the trial courts.

How Should Court Reporters Be Funded? The Legislature will want to consider how it wants to fund court reporters moving forward. Currently, support for court reporters is generally included as part of the funding for overall trial court operations. This means that funding can be used for other costs based on the priorities and needs of individual trial courts. If the Legislature determines that court reporter funding is of a high enough priority to segregate it to ensure it can only be used for that purpose, the Legislature could consider making it a specific line item in the budget. This would be similar to funding provided for court-ordered dependency counsel and court interpreters. We note that taking this step would be necessary if the Legislature chose to pool court reporter resources statewide. The Legislature could also consider the extent to which fees are used to support court reporter services. If higher fees are charged and more revenue is collected, it could help offset any increased costs from other changes intended to increase the availability of court reporters (like new recruitment programs). Alternatively, it could help reduce the General Fund cost of court reporting services, a notable benefit given the state's budget problem. The Legislature could also consider other changes, such as reducing or standardizing the fees charged, which could make access to court records more equitable. This could be difficult if the loss in fee revenue was backfilled with General Fund support given the state's budget condition, however. Finally, the Legislature may want to consider whether it makes sense to expand the use of the \$30 million originally provided to increase court reporters in family and civil proceedings to all proceedings. This is because trial courts will need to prioritize coverage in mandated proceedings first.

How Can Government Compete With the Private Market? The Legislature will want to consider the extent to which it is willing to compete with the private market and what actions it would like to take to do so. It may be difficult for the state to compete with the hourly or daily pay rate offered in the private market. As such, the Legislature could instead consider whether there are changes that could be made to working conditions to make court employment more attractive. For example, this could include allowing remote appearance, offering part-time employment, or allowing court reporters to work on transcripts during the business day. To address competition between courts, as well as the private market, the Legislature could also consider whether to standardize compensation either statewide or in regions of the state. For

example, judges across the state generally receive the same compensation. The Legislature could also consider the extent to which private court reporters hired by attorneys or litigants are permitted to make records in courts. Restricting access to the courts could encourage more private court reporters—particularly those that are already primarily working with the courts as private contractors—to become court reporter employees. However, it would require that the state take steps to ensure it attracts sufficient employees to no longer need to rely on private court reporters. This could include taking some of the steps we describe above, such as allowing remote appearance, increased work flexibility, or other options to improve working conditions. While it could also include increasing compensation, this could be difficult given the state's budget condition. Alternatively, the state could reduce its need for court reporters by authorizing more proceedings to be covered with electronic reporting. If the Legislature is not willing to take such steps, restricting private court reporter access to the trial court could worsen the problem if more court reporters depart and there is no access to court reporters.

We hope you find this information helpful. If you have any questions or would like to further discuss this issue, please contact Anita Lee of my staff at <u>Anita Lee@lao.ca.gov</u> or (916) 319-8321.

Sincerely,

Gabriel Petek Legislative Analysi

TAB 9

FILED Superior Court of California County of Los Angeles

JAN 1 0 2023

David W. Slayton, Executive Officer/Clerk of Court By: R. Mina, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

IN RE LOS ANGELES SUPERIOR COURT – COURT REPORTER AVAILABILITY

GENERAL ORDER
EFFECTIVE JANUARY 10, 2023

Pursuant to the authority set forth in Rule 10.603 of the California Rules of Court, the authority set forth in Code of Civil Procedure §128(a), the Court's inherent power to regulate court operations efficiently (*Walker v. Superior Court* (1991) 53 Cal.3d 256, 266), effective <u>January 10, 2023</u>, the Los Angeles Superior Court Policy Regarding Normal Availability of Official Court Reporters adopted pursuant to California Rules of Court, rule 2.956(b) is modified as set forth below, and shall control over any provisions of the existing Court Reporter Policy regarding the availability of court reporters.

Court Reporter Availability Policy

Official court reporters are normally available for reporting all proceedings in felony criminal and juvenile cases.

Official court reporters are not normally available for reporting in unlimited civil cases.

Official court reporters are not normally available in family law and probate cases. To the extent available, the Court may provide official court reporters in dedicated restraining order courts and domestic violence hearings, one day a week in all other family law courts, and in probate courts, as determined by judicial officers.

Official court reporters are not normally available to report matters in limited civil, misdemeanor, or infraction cases. These proceedings are electronically recorded by the Court to create the official verbatim record of proceedings as provided in Government Code section 69957, and California Rules of Court, rules 2.952 and 2.956(c).

The Court does not provide official court reporters for hearings in its Appellate Division. Electronic recording is not authorized to create an official record of those proceedings.

A party desiring a court reporter's services for a proceeding for which the Court does not make a court reporter available may arrange for the appointment of a court-approved official court reporter from a list maintained by the Court, or may, by stipulation, arrange for the appointment of a privately retained certified shorthand reporter, in accordance with the procedures posted on the Court's <u>website</u>. If an arrangement for a court reporter is made under this subdivision, it is the responsibility of the arranging party or parties to pay the reporter's fee for attendance at the proceedings.

A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, rule 2.956(c)(2). The request should be made by filing a Request for Court Reporter by a Party with a Fee Waiver (form FW-020). If the requesting party has not been granted a fee waiver, a completed Request to Waive Court Fees (form FW-001 or form FW-001-GC in guardianship or conservator cases) must be filed at the same time as the request for court reporter. The party should file the request 10 calendar days before the proceeding for which a court reporter is desired, or as soon as practicable. The clerk will notify the requestor as soon as possible if an official court reporter will not be available on the date of the hearing as scheduled. Given the limited availability of official court reporters and the need to provide them in disciplines where a court reporter is mandated by statute, notice of the availability of a court reporter may not be given until the day of the trial or hearing and may result in a continuance of the matter if there is no court reporter available.

This General Order will be effective as of January 10, 2023, and is to remain in effect until otherwise ordered by the Presiding Judge.

GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED.

DATED: January 10, 2023



SAMANTHA P. JUSSNER

Presiding Judge

TAB 10



NEWS RELEASE

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COMMUNICATIONS OFFICE

Media Relations publicinfo@lacourt.org

FOR IMMEDIATE RELEASE: April 2, 2024

SUPERIOR COURT OF LOS ANGELES COUNTY LAUNCHES INTERNAL TRAINING PROGRAM TO EXPAND PIPELINE OF COURT REPORTERS AND COURT INTERPRETERS

On-the-Job Training Program Offers Full Scholarships to Eligible Court Employees to Train to Fill Critical Access to Justice Roles

The Court today launched Court Interpreter (Spanish) and Court Reporter (Voice Writing) training programs to build a pipeline of future professionals to aid in the Court's mission of delivering equal access to justice while simultaneously providing current court employees with one year or more of service career development opportunities, Presiding Judge Samantha P. Jessner and Executive Officer/Clerk of Court David W. Slavton announced.

"Ensuring meaningful access to justice to litigants means that it is essential to have a method for capturing the verbatim record and that litigants have the ability to understand the proceedings in their preferred language," Presiding Judge Jessner said. "Court Reporters and Court Interpreters assist the Court in fulfilling those foundational principles. Given the high demand for both Court Reporters and Court Interpreters and their critical role in providing access to justice for the residents of Los Angeles County, the Court will capitalize on existing talent to fill these essential positions."

The training programs recognize the vital role both Court Interpreters and Court Reporters play in the Court's mission to provide equal access to justice through the fair, timely and efficient resolution of all cases. Court Reporters provide court users access to verbatim records of their proceedings, while Court Interpreters eliminate communication barriers for court users with limited English proficiency. Recognizing nearly 40% of Los Angeles County residents speak Spanish at home and Spanish is the primary language interpretation need of the Court, the Court Interpreter Training Program will focus initially on Spanish interpreting. Additionally, given the recent approval of Voice Writing as an accepted method of Court Reporting, the Court Reporter Training Program will focus exclusively on Voice Writing.

"The Court is proud to invest in the future of our diverse and talented workforce by offering this unique and worthwhile opportunity that enables court employees to train for their next court career while continuing to serve the Court in their current position," Executive Officer/Clerk of Court David W. Slayton said. "As the Court's Executive Officer/Clerk of Court, I am committed to investing in innovative programs and initiatives that provide court staff with career development opportunities while simultaneously fortifying a workforce that enhances our ability to provide fair and equal access to justice. I am excited to see the impact the training programs announced today will have not only on our exceptional staff, but on the Court's growing urgent need to fill these vital positions. I strongly encourage all eligible and interested court employees to apply for this unique opportunity."

Drawing upon the Court's extensive pool of talent comprising over 5,000 full-time employees, the two training programs will offer trainees a full scholarship covering all tuition, fees and equipment costs. Training for both programs will take place virtually and last approximately one year. Southern California School of Interpretation will provide training for the Court Interpreter training program, while Poway Adult School will provide training for the Court Reporter training program.

Designed as learn-on-the-job programs, trainees will be provided approximately three to six hours of dedicated training time per week during their regular workday. Trainees who successfully complete the training program and obtain their valid California certifications will be provided guaranteed employment with the Court. Trainees who accept jobs as Court Reporters or Court Interpreters will be expected to stay with the Court for at least three years.

"The Court recognizes our talented staff already possess foundational skills which make them well-positioned to excel in these careers," Chief Human Resources Officer Nancy Dietl Griffin said. "We know our diverse workforce values both professional growth and work life balance. These first-of-their-kind programs will fill a needed gap for employees who want to advance their careers while managing their busy personal lives."

The Court Reporter Training Program also serves as an example of the Court's commitment to implement innovative solutions to address the well-documented Court Reporter shortage crisis, which resulted in over 332,000 proceedings taking place in Los Angeles County in 2023 with no verbatim record, severely limiting, if not fully eliminating, a litigant's right to appeal. Notwithstanding over \$9 million in funding provided by the Legislature for recruitment and retention incentives, the Court sustained a net loss of nine total court reporters since announcing the incentives in February 2023.

Furthermore, a <u>recent report released by the Legislative Analyst's Office</u> (LAO) notes that 44 California trial courts spent \$20.3 million on recruitment and retention efforts in 2022-23 with "limited impact on bringing new hires to the courts in the short run." In addition, the LAO report states that despite these expenditures, "the reported number of court reporter employees departing has continued to outpace the number being hired." In fact, as the report indicates, the number of court reporter vacancies has only grown, with those

vacancies growing statewide from 152 positions in July 2020 (about a 10% vacancy rate) to 400 positions as of July 2023 (a 25% vacancy rate).

The Court's Human Resources Division will accept applications from interested and eligible court employees throughout the month of April. **The training programs are not available to non-court employees.** Each training program will accept a total of up to 30 trainees. Training is anticipated to begin in July 2024 and last through June 2025, with the inaugural class of each training program, pending certification, expected to begin their new positions in the summer of 2025.

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San Diego Superior Court Offers Incentives to Recruit & Retain Court Reporters

State Funding from SB 170/SB 154 to Provide Incentives to Current and New Certified Shorthand Court Reporters

Feb 23, 2023



With state funding available through SB 170/SB 154, the San Diego Superior Court announced today new incentives to recruit and retain official court reporters.

Amid a nationwide court reporter shortage, the San Diego Superior Court is losing far more court reporters to retirement each year than it can hire to replace them. Accordingly, the Court had to eliminate court reporters in family law in November 2021 in order to move

court reporter staff to cover assignments in legally mandated criminal felony and juvenile proceedings.

"We recognize how important a verbatim record of a proceeding can be in ensuring access to justice and we appreciate the demanding level of concentration and effort it takes our court reporters to provide this important public service," said Michael Roddy, Court Executive Officer. "We hope that these new incentives, made possible by funding from the Legislature, will increase interest in this career field and, in turn, increase our ability to provide court reporter services in family, probate and civil law cases."

"Court reporters are critical to providing an accurate record and the San Diego Superior Court is recognizing that by spending State funding to incentivize hiring and retaining those who serve this critical role," said Jennifer Esquivel, SEIU Local 221 labor union executive board member and Certified Shorthand Reporter. "Our collective action moves us closer to ensuring fair and equal access to justice for everyone."

Incentives and benefits offered to the SEIU Local 221 – Court Reporters Union include:

- Signing bonus for newly hired regular court reporter employees
 - For full-time court reporter employees, \$15,000 upon completion of one month of employment; \$15,000 upon completion of one year of active service.
 - For part-time court reporter employees, \$7,500 upon completion of one month of employment; \$7,500 upon completion of one year of active service. Part-time employees who convert to full-time and complete a year of active service will be eligible for a \$10,000 bonus and a further \$5,000 upon completion of six months in a full-time position.
- Referral bonus for court reporter employees who recruit a successful newly hired full-time court reporter
 - For a full-time referral, \$3,750 to the referring court reporter employee upon completion of one month of employment by

the new hire; \$3,750 upon completion of one year of active service. For a part-time referral, the referral bonus payments will be \$1,875.

- Retention bonus for currently active court reporter employees
 - \$7,000 to each court reporter who was actively employed by the San Diego Superior Court as of Dec. 31, 2022, and remains employed through April 1, 2023. Court reporter employees must confirm in writing that they intend to remain employed at the court through April 2024 to be eligible for the retention bonus.
- New part-time opportunities
 - The Court will establish a new recruitment for part-time court reporter employees that offers half-day morning or half-day afternoon hours, a 3/2 schedule with three days on, two days off or a job share option.
- Technology stipend
 - One-time lump sum stipend of \$3,000 to each court reporter employee in May 2023 to provide for ongoing costs of software upgrades and equipment maintenance.
- Tuition reimbursement clarification
 - The Court will expand its tuition reimbursement policy to clarify that it covers training at all Court Reporting schools including online voice writer training programs, not just at accredited colleges and universities.

To assist with recruitment efforts, the Court has committed to exploring options to send Court Reporters to various relevant conferences to enable in-person discussion with potential new candidates.

If the provisions of SB 170/SB 154 are extended beyond the current fiscal year, many of the incentives noted above will carry over to the next fiscal years.

A total of 19 court reporters are needed to adequately cover the mandatory criminal and juvenile cases. An additional 29 court reporters would need to be hired to minimally cover family law cases.

The current annual base salary range for court reporters in the San Diego Superior Court is \$91,291.20 - \$115,648.00, with additional income coming from transcript purchase fees paid directly to the court reporter. Additional premium pay is available for real-time skills and certain certificates. Benefits for all court employees include flexible benefits plan and 14 paid holidays each year, including the employee's birthday. Employees entering in the court reporter class are eligible for 15 vacation days and 13 days of sick leave per year.

Verbatim records are relied on by litigants to review decisions, enforce judgments and preserve rights on an appeal to a higher court.

For more information on the court reporter employment opportunities, please refer to the current job posting. For more information on the San Diego Superior Court, please visit sdcourt.ca.gov.

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TAB 12

FOR IMMEDIATE RELEASE

November 2, 2022



SUPERIOR COURTS OF CALIFORNIA

THERE IS A COURT REPORTER SHORTAGE CRISIS IN CALIFORNIA

Each day across California, tens of thousands of court hearings are held. Lawyers argue, witnesses testify, litigants tell their stories and judges make decisions. What many people do not appreciate is the crucial role played by a court reporter: creating and preserving a verbatim record of those exchanges. As a chronic shortage of court reporters reaches crisis levels, the statutory framework for court reporting must adjust to the new realities of the reporting profession.

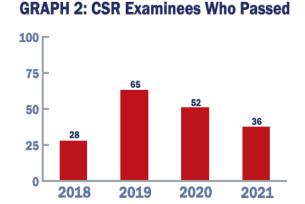
<u>THE PROBLEM</u>: There is a court reporter shortage in California – and across the nation – that has been long developing.

- In 2005, the Judicial Council warned that, "since the early 1990's, California's courts have experienced a steady decline in the number of available qualified shorthand reporters. [...] Additionally, the reduction of court reporting schools and curriculums in California over recent years complicates the courts' ability to attract sufficient numbers of well-trained reporters. [2005, Reporting of the Record Task Force, *Final Report*, p. 6.]
- Nationally, a 2013 study by the National Court Reporters Association projected that "Decreased enrollment and graduation rates for court reporters, combined with significant retirement rates, will create by 2018 a critical shortfall projected to represent nearly 5,500 court reporting positions." [Ducker Worldwide, 2013-2014: Court Reporting Industry Outlook Report, Executive Summary, p. 5.]
- In 2017, the Chief Justice's Futures Commission Final Report warned, "National data show the number of skilled court reporters is decreasing. Certified court reporting schools have experienced smaller enrollment and graduation rates, which are declining by an annual average of 7.3 percent[...]" [Report to the Chief Justice: Commission on the Future of California's Court System, p. 240.]
- In 2018, the Judicial Council wrote to the Legislature that, "the state would [...] have a gap of approximately 2,750 court reporters by 2023 if forecasted

demand remains constant." [March 29, 2018, letter from the Judicial Council to Hon. Lorena Gonzalez-Fletcher, Chair Assembly Appropriations Committee, re: Assembly Bill 2354.]

Today in California, only nine Certified Shorthand Reporter programs remain. In 2021, only 175 examinees took the licensing exam – and only 36 passed.





The result is a crisis in court reporter availability that has been developing for years.

THE SHORTAGE OF COURT REPORTERS IMPACTS LITIGANTS ACROSS CALIFORNIA:

In accordance with Penal Code § 190.9 and § 869, Code of Civil Procedure § 269 and Welfare and Institution Code § 347 and § 677, California courts must provide court reporters in felony criminal and dependency and delinquency juvenile courtrooms. Court reporters are not statutorily required to be provided by the courts in civil, family law, probate, misdemeanor criminal and traffic courtrooms.

And yet, many California courts do not have enough court reporters to cover mandated criminal felony matters – let alone the wide range of areas in which litigants need a record of court proceedings.

Over 50% of the California courts have reported that they are unable to routinely cover non-mandated case types including civil, family law and probate.

FUNDING IS NOT THE SOLUTION: There is no one to hire.

The Legislature provides \$30 million annually to the California courts to hire additional court reporters, with a focus on family law and civil courtrooms. However, because of the decline in court reporters, the crisis continues.

COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page **3** of **6**

Today 71 percent of the state's 58 trial courts are actively recruiting for court reporters: Alameda; Butte; Contra Costa; Del Norte; El Dorado; Fresno; Humboldt; Imperial; Kern; Lake; Los Angeles; Madera; Marin; Merced; Monterey; Nevada; Orange; Placer; Riverside; Sacramento; San Benito; San Bernardino; San Diego; San Francisco, San Joaquin; San Luis Obispo; San Mateo; Santa Barbara; Santa Clara; Santa Cruz; Shasta; Siskiyou; Solano; Sonoma; Stanislaus; Tehama; Tulare; Tuolumne; Ventura; Yolo; and Yuba.

THE CURRENT STATUTORY FRAMEWORK INHIBITS CREATIVE RESPONSES TO THE SHORTAGE OF COURT REPORTERS:

With the exception of limited civil, misdemeanor and infraction cases, Government Code § 69957 prohibits the courts from providing electronic recording in civil, family law and probate courtrooms.

Government Code § 69959 and Code of Civil Procedure § 367.75(d)(2)(A) mandate court reporters to be present in the courtrooms – rather than taking advantage of emerging technologies that would allow the court to provide this service remotely to multiple courtrooms throughout the county, providing more services with existing resources while making the profession more attractive to young, potential court reporters.

Government Code § 69942 requires all court reporters who work in a court to be certified in California which restricts courts from hiring out-of-state independent firms to provide this service.

CONCLUSION: More funding is not the solution.

We stand with our court reporters in recognizing and appreciating their value and service to the California judicial branch but we must acknowledge that we are facing a California – and national – court reporter shortage.

This shortage will not be solved by increased funding. Without changes to the current statutory framework for court reporting, all courts will face the inevitable day, already seen by a few California courts, of not having enough court reporters to cover the mandated felony criminal and juvenile dependency and delinquency cases.

Every litigant in California should have access to the record. Ideally, this would be provided by a court reporter but when none are available, other options need to be available to the courts. We are ready, able and willing to work with all stakeholders on finding ways to ensure that all litigants who need a record have access to one.

ADDITIONAL RESOURCES:

- U.S. Legal Support, *Understanding the National Court Reporter Shortage and What it Means for Your Firm*, [https://www.uslegalsupport.com/court-reporting/understanding-the-national-court-reporter-shortage-and-what-it-means-for-your-firm/]
- Ducker Worldwide, Court Reporting Industry Outlook Report (2013 2014) [https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14 ncra -industry outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2 0]
- Commission on the Future of California's Court System, Report to the Chief Justice, 2017, [https://www.courts.ca.gov/documents/futures-commission-final-report.pdf]
- California Trial Court Consortium, The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond, 2022, [https://www.siskiyou.courts.ca.gov/system/files?file=court-reportershortage-1-2022.pdf]

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COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page **5** of **6**

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COURT REPORTER SHORTAGE CRISIS November 2, 2022 Page 6 of 6

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TAB 13

Superior Court of California, County of Los Angeles Media Relations 111 N. Hill St., Room 107, Los Angeles CA 90012

NEWS RELEASE

www.lacourt.org | publicinfo@lacourt.org | @LASuperiorCourt



Media Relations publicinfo@lacourt.org

FOR IMMEDIATE RELEASE: August 25, 2022

OFFICIAL COURT REPORTERS FOR CRIMINAL FELONY, JUVENILE CASES AS SEVERE STAFFING SHORTAGES PERSIST DESPITE NEW STATE FUNDING

<u>Court Reporters Currently Assigned to Family Law, Probate and Writs and Receiver</u>
<u>Matters will be Reassigned to Cover Statutorily-Mandated Case Types</u>

Despite significant increases in trial court funding designated to hire court reporters, a statewide court reporter shortage requires the Court to shift its court reporter workforce from family law and probate cases and matters assigned to the writs and receiver departments to departments hearing criminal felony and juvenile matters where the law requires the court to provide an official court reporter.

Effective Monday, November 14, 2022, the Court will no longer provide official court reporters in family law and probate matters and in the writs and receiver departments due to a continually shrinking workforce of official court reporters, a staffing shortage that mirrors nationwide and California trends, among other factors. In Los Angeles County, the number of court reporters leaving court service continues to significantly outpace the number of new court reporters entering court service. The Court's court reporter workforce has dropped from 430 in 2017 to 330 today despite efforts on the part of the Court, including monetary bonuses and generous benefits, designed to attract new reporters to court service.

Effective November 14, the Court will amend its policies regarding the availability of official court reporters as follows:

• Official court reporters are statutorily required and will continue to be provided in felony criminal and juvenile matters.

-MORE-

COURT REPORTERS 2-2-2-2

- Official court reporters are not statutorily required to be provided in unlimited civil, family law or probate matters, and existing court reporter coverage will end November 14 for family law, probate and writs and receiver cases. (Court reporters were removed from Civil unlimited matters several years ago).
- Official court reporters were removed from limited civil, misdemeanor and infractions over the past several years. In accordance with Government Code § 69957, these proceedings are electronically recorded to make the official verbatim record.

Please note that, pursuant to Government Code § 69957, electronic recording in general jurisdiction matters, including family law, probate and writs and receivers, is statutorily prohibited. Parties will need to arrange for a court reporter to be present when their matter is called in courtrooms that will no longer have official court reporters and pay for those services.

Parties with fee waivers may request an official court reporter pursuant to California Rules of Court, rule 2.956 (c)(2) and Local Rule 2.21 (see also Jameson v. Desta, 5 Cal 5th 594 (2018)). The law requires the Court to provide a court reporter when a litigant with a fee waiver has timely-filed a request for a court reporter but only when a court reporter is available. Given the limited availability of official court reporters, notice of the availability of a court reporter may not be given until the day of the hearing.

For more information, a fact sheet is attached to this news release.

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FACT SHEET: OFFICIAL COURT REPORTERS IN LOS ANGELES COUNTY

Despite significant increases in trial court funding designated to hire court reporters, a statewide court reporter staffing shortage requires the Court to shift court reporters from family law and probate cases and matters assigned to the writs and receiver departments in order to provide court reporters for criminal felony and juvenile proceedings as required by law.

Staffing Shortage Problem - Not a Funding Problem

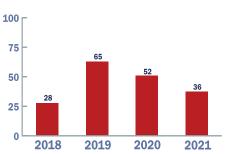
The court reporter shortage is not unique to Los Angeles County – it is a statewide and national problem. As shown by the data provided below, notwithstanding a record budget year for the judicial branch in California, trial courts are simply unable to hire enough court reporters to replace those leaving court service.

- The number of active Certified Shorthand Reporter (CSR) licensees in California decreases every year. For example, there are about 15% fewer licensed court reporters in California than there were five years ago. More specifically, in 2021, there were 5,854 CSRs in California. In 2016, there were 6,842 CSRs in California. This represents a decrease of 988 CSRs over a five-year period¹.
- The number of court reporter training programs in California has significantly declined over the past decade. In 2021, there were only nine training programs open in California².
- The number of examinees taking the CSR licensing exam continues to decline every year. In 2018, 369 examinees took the licensing exam. In 2021, only 175 examinees took the licensing exam (see Graph 1).
- The pass rate is consistently low. In 2021, there were only 36 newly-licensed CSRs in all of California out of 175 examinees who took the licensing exam (see Graph 2). Between 2018 and 2021, the pass rate was between 8% and 22% (see Graph 3)³.

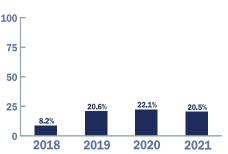
GRAPH 1: Total CSR Examinees

400 - 339 315 235 275 175 100 - 2018 2019 2020 2021

GRAPH 2: CSR Examinees Who Passed



GRAPH 3: Overall CSR Pass Rate



- In Los Angeles County, the number of court reporters leaving court service continues to significantly outpace the number of new court reporters entering court service. In 2017, there were 430 CSRs employed by the Court; in 2022, there were 330. Despite concerted efforts to recruit court reporters, as discussed below, the Court has struggled to fill vacancies due to lack of available CSRs in California.
- 1 CA Department of Consumer Affairs Court Reporters Board of California Annual Reports (Year Over Year Comparison)
- 2 California Court Reporters Association Court Reporting Schools
- 3 Court Reporters Board Dictation Examination Statistics

Mitigation Efforts: Recruitment and Flexible Work Schedules

The Court has taken strategic steps over the past several years to address the court reporter shortage in Los Angeles County to avoid this change including those listed below.

- Providing a competitive salary, excellent benefits package and a two-week training and onboarding program;
- Providing a \$2,000 hiring bonus after one year of service;
- Providing a \$500 annual equipment allowance;
- Regularly visiting local court reporter schools to recruit;
- Targeted recruitment of CSR retirees for daily as-needed assignments;
- Offering flexible, part-time and as-needed positions;
- Distributing recruitment flyers to all newly California-licensed CSRs after each exam;
- Advertising for recruitment in the Journal of Court Reporting and other Court Reporter industry publications; and
- Aggressively recruiting on public job sites such as LinkedIn, Indeed, GovernmentJobs.com and on the Court's own recruitment website.

Despite these efforts, the Court has been unable to recruit the number of official court reporters needed to continue to offer official court reporting services in family law, probate and writs and receiver matters while continuing to provide official court reporting in felony criminal and juvenile matters as required by law.

Resources and Other Information

Pursuant to Government Code § 69957, electronic recording in general jurisdiction matters, including family law, probate and writs and receivers, is prohibited. Parties will need to arrange for a court reporter to be present when their matter is called in courtrooms that will no longer have official court reporters and pay for those services. A list of Court-Approved Official Reporters Pro Tempore is <u>available here</u>.

Pursuant to California Rules of Court, rule 2.956(c)(2) and Local Rule 2.21, parties with fee waivers may request an official court reporter by using <u>Judicial Council Form FW-020</u>. Given the limited availability of official court reporters, notice of the availability of a court reporter may not be given until the day of the hearing.

Please note that unless otherwise required by law, the Court is not obligated to provide court reporter transcripts free of charge to a party who has been granted a waiver of court fees and costs. (See Rohnert Park v. Superior Court (1983) 146 Cal.App.3d 420; Mehdi v. Superior Court (1989) 213 Cal.App.3d 1198.) Assistance may be available through the Transcript Reimbursement Fund. Further information is available on the California Court Reporters Board's website.

Other Helpful Resources

- Understanding the National Court Reporter Shortage and What it Means for Your Firm U.S.
 Legal Support
- Court Reporting Industry Outlook Report (2013 2014)

Updated: January 3, 2023

TAB 14

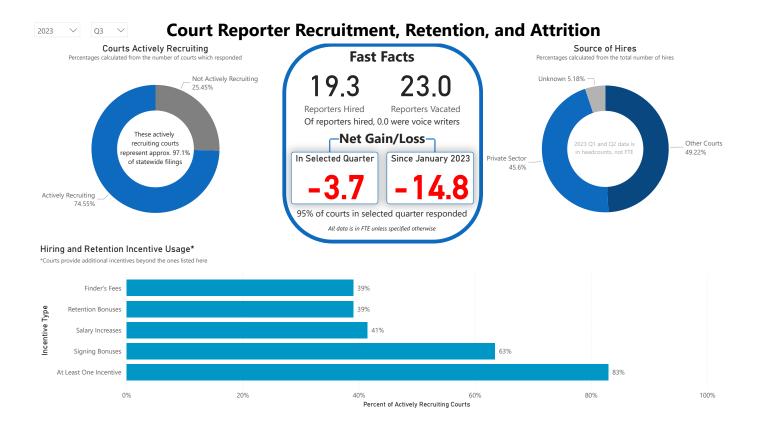
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Court Reporter Recruitment, Retention, and Attrition

With the declining availability of California-licensed court reporters, California trial courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. In an effort to increase court reporters in trial courts, courts are implementing a variety of employment incentives including salary increases, signing bonuses, retention bonuses, finder's fees, and more. The dashboard below visualizes court reporter recruitment, retention, and attrition numbers reported by California trial courts in the statewide aggregate,* and the various incentives courts are employing. To refine the data, select the quarter you would like to view from the drop-down menu in the top left of the dashboard.

* Please note the figures in this dashboard are presented as statewide aggregate numbers, and individual figures will vary from court to court.



Microsoft Power BI

TAB 15



Issue Paper: ACCESS TO THE RECORD OF CALIFORNIA TRIAL COURT PROCEEDINGS

I. THE PROBLEM

Every day, Californians go to court to resolve issues important to them, including the custody of their children, their marriages, and where they live. If they succeed, they have the right to obtain and enforce orders of the court. A clear written record of what occurred in those proceedings is critical to making any order a meaningful resolution of the problem that the litigant brought to court. If they lose, they have the right to challenge the outcome on appeal. In either circumstance, they need an accurate record of what happened in court. But large numbers of Californians do not have that record because increasingly there are no court reporters in the courtrooms, and in too many cases there is no other way to create the record. This means they have no effective access to the justice they deserve.

Judicial Council survey responses from Superior Courts about six months preceding March 31, 2024, if representative of the full year, suggest that over one million hearings and trials took place in unlimited civil, family, and probate cases- for which

The California Access to Justice **Commission** has worked for 27 years to advance justice for all Californians by expanding resources, removing barriers, and developing innovations so everyone can effectively and efficiently resolve their civil legal issues. In 2023, the Commission was authorized "[t]o provide ongoing leadership in efforts to achieve full and equal access to justice for all Californians, and to inform the Legislature of its position on any legislative proposal pending before the Legislature and to urge the introduction of legislative proposals." Cal. Gov. Code § 68655. Our Commissioners have been appointed by an array of stakeholders in the civil justice system of California: public officials, associations of judges lawyers, and organizations including the Legal Aid Association of California, the League of Women Voters, the California Labor Federation, and the Chamber of Commerce.

California Superior Courts did not provide any means to create an official transcript. The survey responses indicate that litigants in over 70% of proceedings in the three categories, and over 90% of unlimited civil proceedings, had no access to an official transcript.

The lack of a verbatim record affects litigants, judges, and other court personnel. Litigants come to court to solve problems, but lack of an official record of what happened in court too often leads to more confusion than clarity.

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. The California Supreme Court in *Jameson v. Desta* (2018) 5 Cal.5th 594, 608 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

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reporter.² But the numbers show that too few CSRs work in Superior Courts to cover most of the cases in the statutory categories for which only CSRs can create the official record.

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. This denies equal justice to poor and moderate-income litigants, creating and exacerbating a two-tier justice system based on financial resources.

In this paper the California Access to Justice Commission reports the facts that its investigation has found: California is denying low-and moderate- income litigants equal access to civil justice and due process because too few CSRs work for Superior Courts to cover large numbers of hearing in the categories not permitted be transcribed in any other way. Continued efforts to recruit and retain CSRs in Superior Courts should continue, and perhaps can be improved. But the hiring shortfalls persist, and the numbers of CSRs leaving the profession increase, from year to year.

The State can address due process and access to justice concerns while maintaining a priority for CSRs in the courtroom by defining the circumstances or categories of cases where alternatives may be used because there are not sufficient CSRs to cover all the proceedings. The current definitions 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. The use and acceptance of electronic recording technologies in providing official transcripts both in California state courts, where it is permitted in some categories of cases, and in other court systems show that it could be an alternative for redefined circumstances or categories of proceedings that Superior Courts now lack CSRs to cover.

It is time to address this denial of access to justice for low-and moderate-income litigants. We urge the Legislature, the courts, CSRs, and other stakeholders including representatives of low-income and self-represented litigants, to engage in dialogue and take action on this critical access and fairness issue.

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II. THE FAILURE TO PROVIDE AN OFFICIAL TRANSCRIPT DENIES ACCESS TO CIVIL JUSTICE

In Jameson v. Desta, the California Supreme Court held that courts must waive court fees associated with the assignment of a CSR to a court proceeding for a party who has received a

waiver of a filing or answer fee. The Supreme Court observed that by not providing CSRs to indigent litigants, "the policy effectively deprives such litigants of equal access to the appellate process that their in forma pauperis status was intended to afford. As we have seen, the absence of a verbatim record of trial court proceedings will often have a devastating effect on a litigant's ability to have an appeal of a trial court judgment decided on the merits (*Jameson v. Desta*, 5 Cal.5th at 622.)

The remedies imposed by *Jameson*, however, have not been enough to guarantee that all litigants can obtain a verbatim record of trial proceedings.

In the March 19, 2024 State of the Judiciary address,
Chief Justice Patricia Guerrero recognized that the
problem is critical, and must be solved. Justice Guerrero explained:

"In my civil independent calendar department, we routinely wait when a self-represented litigant with a fee waiver has properly requested a court reporter. At times, the litigants have waited all day. We have continued hearings to the next day and beyond because of the lack of court reporters. We have continued the same hearing multiple times. For example, Ι recall a represented litigant who must travel a great distance by bus to attend hearings. The lack of a court reporter in the case combined with the travel difficulties have resulted in delays of weeks or longer before single hearing can completed." From a judge in a Southern California Superior Court

Another pressing issue that deserves our attention is the ability to serve litigants by being able to provide them with a verbatim record of their court proceedings.

Right now, that is not happening in too many cases. . . .

We all want and need more licensed court reporters to be trained, certified, and hired, and the Judicial Council and the courts are doing all that we feasibly can to support that goal, including signing bonuses, retention bonuses, longevity bonuses, increased salary ranges, finder's fees, and student loan or tuition reimbursement incentives.

But the number of certified court reporters continues to decline and it threatens access to justice—especially for vulnerable Californians.³

"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%)." Judicial Council Fact Sheet: Shortage of Certified Shorthand Reporters in California, June 2024.⁴

The consequences of not having a record of court proceedings include:

- Without a record, a self-represented litigant may not understand fully, or at all, what happened in court. Litigants may not understand what is required of them, or what they have gained or lost.
- A self-represented litigant without an official record is hamstrung in seeking legal advice about the trial judge's findings of fact, conclusions of law, and order. The only information the party can provide to a lawyer is their memory of what transpired, which may be a slim reed on which to base a legal opinion. Without access to the trial record, a lawyer will have difficulty informing a client about the context and significance of the trial court's decision, as well as any potential errors made by the court.
- The parties' ability to confer productively to prepare a proposed order is compromised

A 25-year legal services attorney with extensive unlawful detainer trial experience reported that most, if not all, courts handling unlawful detainers, do not have court reporters and many do not use electronic reporting. Even if a reporter is available, indigent clients do not have the knowledge to request a fee waiver or the ability to pay for the cost of a reporter. Without a record, indigent tenants are unable to seek reconsideration or appeal of an unfair or incorrect court decision. This problem particularly harmful to non-**English-speaking** low-income immigrant tenants in rentcontrolled units who often face unlawful pretextual evictions.

without a record, and is much more likely to prolong a dispute the judge had decided. The judge, as well as the parties, has no definitive statement of what happened in court or its verbal rulings during the trial or hearing.

- 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 a 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 personal notes, a judge can forget or mis-remember some of the subtleties in the evidence.
- In most cases, neither party can effectively pursue an appeal to correct an error committed by the trial court—a fundamental component of our sense of a fair judicial process. A trial court determination is presumed correct. An appellate court can reverse that decision only on a showing of error. Where a party challenges findings, verbal orders, or any decision made by the trial court, error can in most cases only be established by reference to the record of the trial court proceedings. In those cases, an appellate court must affirm the trial court decision if there is no record

- of those proceedings. The trial court is transformed from an initial forum for the receipt and evaluation of evidence, reviewable for sufficiency of the evidence, to an ultimate arbiter.
- 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 selfrepresented litigants' unique needs. 5 Without a record of the proceedings, the judicial branch has no ability to investigate complaints concerning such matters, whether to address misconduct or to reject unjustified complaints, or otherwise to become aware of the need for additional training of its bench officers.

Absent a record, the appealing party "is effectively deprived of the right to appeal." Some examples of the impact of having no written record on appeal include:

- Self-represented divorced spouse could not effectively appeal denial of spousal support and community property interest in a business and real property.
- Self-represented mother's appeal failed after probate court ruled she could not be trustee of her son's special needs trust.ⁱⁱⁱ
- Employees claiming Labor Code violations and false imprisonment could not reach the merits on appeal of trial court's denial of employees' motion for more discovery and grant of employer's summary judgment motion.iv
- Employee denied relief in appeal from trial court ruling that an agreement on compensation was modified by the words "at will" in a company handbook.
- Minor was unable to support an appeal challenging the validity of ruling that she had waived counsel and consented to informal procedures in trial court.vi
- Self-represented plaintiff's appeal from judgment after personal injury trial dismissed where there was no reported record of trial.^{vii}

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In response to our suggestion, the Judicial Council staff included questions in a quarterly survey of all 58 Superior Courts about the number of proceedings with no means to provide a verbatim transcript in trials and hearings for which the law allows only CSRs to create the record.⁶ Responding Superior Courts, ⁷ representing over 80% of statewide civil filings, reported as follows:⁸

i. Randall v. Mousseau (2016) 2 Cal.App.5th 929, 935.

ii. In re Mohamed (2023) 2023 Cal.App. Unpub. LEXIS 4981, quoting , Ehman v. Moore (1963) 221 Cal. App.2d 460, 463.

Martens v. Maillian (Estate of Migliore) (2016) 2016 Cal. App. Unpub. LEXIS 4745.

iv. Wei Hoa v. Millbrae Paradise, LLC (2017) 2017 Cal.App. Unpub. LEXIS 2061.

V. Foust v. San Jose Construction Co. (2011) 198 Cal.App. 4th 181, 186 ("The incomplete record is fatal to the appeal.")

vi. In re Kathy P (1979) 25 Cal. 3d 91, 102.

vii. Simmons v. Fobi (2004) 2004 Cal.App. Unpub. LEXIS 7393; Queen of the Light La Nora Anderson v. TBC Assocs. (2015) 2015 Cal.App. Unpub. LEXIS 8718; Leslie v. Roe (1974) 41 Cal. App. 3d 104, 6-107.

Hearings With No Verbatim Record, October 2023 - March 2024

| | Hearings with No Verbatim Record / Total Hearings | | | | | | |
|----------------------------|---|-------------------|-------------------|--|--|--|--|
| CSR-Only Categories | 2023 Q4 | 2024 Q1 | Total by Category | | | | |
| Unlimited Civil | 112,653 / 120,479 | 160,658 / 170,593 | 273,311 / 291,092 | | | | |
| | (94 %) | (94%) | (94%) | | | | |
| Family | 70,837 / 122,830 | 67,710 / 133,923 | 138,547 / 256,753 | | | | |
| | (58%) | (51%) | (54%) | | | | |
| Probate | 31,461 / 50,751 | 28,840 / 53,988 | 60,301 / 104,739 | | | | |
| | (62%) | (53%) | (58%) | | | | |
| Uncategorized ⁹ | 509 / 540 | 10,883 / 11,643 | 11,392 / 12,183 | | | | |
| | (94%) | (93%) | (94%) | | | | |
| Total All | 215,460 / 294,600 | 268,091 / 370,147 | 483,551 / 664,747 | | | | |
| Categories | (73% | (72%) | (73%) | | | | |

These responses indicate (taking into account that non-reporting courts must also have had this experience) that over 500,000 hearings took place in Superior Courts during the last half of 2023-2024 with no official transcript available to the litigants or the courts in the categories of cases for which a CSR is the only permissible means of producing the record.

While the denial of access to justice may be most acute in these categories of cases for which by law, only CSRs may create the official record, the problem extends to all case types. A letter from the Legislative Analyst dated March 2, 2024 ("LAO Letter"), responding to questions from the Chair of the California Senate Judiciary Committee, stated, based on an earlier full year than is presented above: "1.6 million proceedings [in trial courts] across all case types in 2022-2023 had no record created." ¹⁰ While the LAO Report did not present counts of proceedings in the specific categories for which only CSRs may create the official record, that number evidently was in the hundreds of thousands during 2022-2023. ¹¹

These cases represent areas where the litigants have not received full and fair access to resolve their legal problems. Our system of justice promises more and must deliver what litigants need and deserve.

III. THE IMMEDIATE CAUSE: THERE ARE TOO FEW CSRs EMPLOYED BY CALIFORNIA SUPERIOR COURTS TO MEET THE NEEDS OF ALL LITIGANTS

Under existing law, only a CSR may create the record in all felony, dependency, juvenile justice, unlimited civil, probate, and family law matters. ¹² California law allows courts to charge litigants for a court-employed CSR, and a litigant is permitted to contract with a CSR who is not employed by the court, ¹³ but *Jameson* held that if a court provides CSRs it may not impose a fee on litigants whose court fees are waived based on their low income. ¹⁴ This remedy falls short of providing access to a verbatim record if the court employs too few CSRs to cover all proceedings in the categories for which no other method may be used. For some years now, that has been the status quo in California Superior Courts.

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The overall count of actively licensed CSRs is over 5,400. ¹⁵ That gross number, less the approximately 1,200 CSRs who already work in Superior Courts, leaves 4,200 CSRs who are not employed by the Superior Courts. This number, on the surface, appears to be enough to fill the 300 vacancies in budgeted Superior Court positions. But the reality is that there are not enough CSRs who are available and willing to work for the Superior Courts (instead of the private sector, out-of-state employment, or retirement). As recounted in a Senate Appropriations Committee analysis:

At the Senate Judiciary Committee's informational hearing on March 7, 2023 . . . the Executive Officer of the [Court Reporters Board] stated that there is currently a sufficient number of licensed court reporters to meet the demand for court reporters. According to the Judicial Council (JCC), however, as of July 1, 2022, the courts had a 20 percent vacancy rate statewide for court reporter positions, 10 percent higher than the prior year. ¹⁶

Judicial Council survey data recited above show that most Superior Courts no longer provide court-employed CSRs in the majority of their unlimited civil, family, and probate proceedings. As the Senate Appropriations analysis stated: "many courts opted to reduce their number of employee court reporters and adopted policies for providing official court reporters only in narrow categories of civil cases that do not include 'ordinary contract, personal injury, or professional negligence cases.' The Superior Court for the County of Los Angeles announced in 2022 that it would no longer provide court reporters in family law and probate matters or for cases in the writs and receive departments."¹⁷

The Judicial Council publishes reports at the end of each fiscal year showing the vacancies in budgeted CSR FTE positions in Superior Courts. (Data as of June 30, 2024 is not yet available.) The table below shows the 20 largest Superior Courts in the State, by filings, had the following budgeted but vacant CSR positions. (Note that the "Total" row provides totals for all 58 counties). The table reports 1,050 CSR FTEs in Superior Courts as of June 30, 2023.

| | Schedule 7A: 2021-2022 | | | | Schedule 7A: 2022-2023 | | | Schedule 7A: 2023-2024 | | | | |
|---------------|------------------------|-----------|----------|-----------------|------------------------|-----------|----------|------------------------|---------------|-----------|----------|-----------------|
| Court | Filled FTE | Total FTE | Vacanies | Vacancy Rate | Filled FTE | Total FTE | Vacanies | Vacancy Rate | Filled FTE | Total FTE | Vacanies | Vacancy Rate |
| Alameda | 48 | 57 | 9 | 16% | 46 | 58 | 12 | 21% | 50 | 57 | 7 | 12% |
| Contra Costa | 31 | 36 | 5 | 13% | 22 | 32 | 10 | 31% | 19 | 32 | 13 | 41% |
| Fresno | 36 | 36 | 1 | 2% | 33 | 37 | 5 | 12% | 31 | 38 | 7 | 18% |
| Kern | 29 | 33 | 4 | 12% | 25 | 25 | - | 0% | 23 | 26 | 3 | 11% |
| Los Angeles | 395 | 442 | 47 | 11% | 348 | 447 | 99 | 22% | 328 | 432 | 104 | 24% |
| Orange | 83 | 90 | 7 | 8% | 76 | 92 | 16 | 17% | 78 | 91 | 14 | 15% |
| Riverside | 77 | 98 | 21 | 22% | 81 | 100 | 19 | 19% | 67 | 93 | 26 | 28% |
| Sacramento | 60 | 60 | - | 0% | 45 | 57 | 13 | 22% | 45 | 56 | 12 | 21% |
| San Bernardin | 81 | 84 | 3 | 3% | 75 | 100 | 25 | 25% | 71 | 83 | 12 | 14% |
| San Diego | 90 | 93 | 3 | 3% | 78 | 97 | 19 | 20% | 68 | 71 | 2 | 3% |
| San Francisco | 32 | 41 | 9 | 22% | 31 | 41 | 10 | 24% | 27 | 39 | 12 | 31% |
| San Joaquin | 26 | 26 | - | 0% | 26 | 26 | - | 0% | 20 | 25 | 5 | 20% |
| San Mateo | 24 | 30 | 6 | 20% | 20 | 30 | 10 | 33% | 20 | 30 | 10 | 33% |
| Santa Barbara | 15 | 17 | 2 | 12% | 15 | 16 | 1 | 7% | 12 | 15 | 3 | 20% |
| Santa Clara | 39 | 42 | 3 | 7% | 36 | 41 | 5 | 12% | 29 | 39 | 11 | 27% |
| Solano | 18 | 18 | - | 0% | 12 | 19 | 8 | 40% | 11 | 18 | 7 | 39% |
| Sonoma | 14 | 15 | 1 | 7% | 9 | 15 | 6 | 40% | 10 | 15 | 5 | 33% |
| Stanislaus | 17 | 18 | 1 | 6% | 15 | 18 | 3 | 17% | 12 | 16 | 4 | 25% |
| Tulare | 18 | 18 | - | 0% | 20 | 20 | - | 0% | 17 | 19 | 2 | 11% |
| Ventura | 24 | 28 | 4 | 14% | 20 | 28 | 8 | 29% | 17 | 29 | 12 | 41% |
| Total | 1,295 | 1,443 | 147 | 10% | 1,129 | 1,426 | 297 | 21% | 1,050 | 1,375 | 324 | 24% |

The budgeted but vacant CSR positions on June 30, 2023, totaled 324. Because the current number of filled positions has decreased by 78 FTEs statewide, this suggests CSR vacancies have increased well above 324.¹⁹

Moreover, vacant budgeted positions may understate the need. Before widespread layoffs during the 2008 recession, courts typically budgeted for one court reporter in every courtroom that handles case types requiring a CSR. According to the Judicial Council's estimate, that standard would require 1.25 CSRs per bench officer in a department that hears CSR-only cases. According to that standard, the statewide unfilled need is for more than 650 additional CSRs.²⁰ As discussed below, possible efficiencies—such as the development of court reporter pooling and same-courthouse remote reporting—could mean that fewer additional hires than 650 would suffice. The actual need for additional court-employed CSRs is likely between 324 and 650.

IV. POTENTIAL SOLUTIONS

A. Hiring More CSRs.

If feasible, there are good reasons to hire enough CSRS to produce the official record. CSRs have long been a proven means of producing an accurate official record of court proceedings. They are highly skilled professionals who have passed California's exacting test of accurate dictation. Many judges we interviewed said they preferred the past practice of assigning a court reporter to their courtroom full time. CSRs' transcripts are often described as the gold standard for accuracy, and CSRs as generally reliable and capable. By speaking up in court to address problems immediately (such as an inaudible witness), they can avoid or correct what would otherwise be errors and omissions in the official transcript. Because they produce the transcript of a hearing they attended, their memory can enable them to avoid other errors. Court-

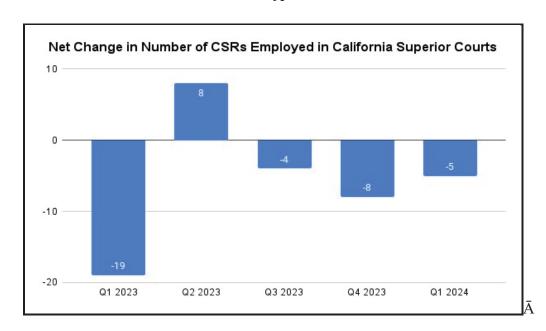
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employed CSRs learn specialized language (such as medical terminology) used in proceedings they record). They form helpful working relationships with judges, other court staff, and attorneys. CSRs also provide their own equipment, a substantial expense that courts are not allowed to reimburse.²¹ The profession was one of the first open to women, and women still make up a higher proportion of CSRs than in other licensed professions.²²

The California Supreme Court noted in *Jameson* that "[p]rior to the drastic cuts in judicial budgets over the last decade, superior courts in California generally made official court reporters routinely available for civil trials." (5 Cal.5th at 610.) Court budget reductions in response to the recession in 2008 led to layoffs of CSRs, who moved into the private sector. However, the historical fact that there were enough court-employed CSRs in 2008 does not mean that courts can solve today's shortages solely by investing more money and effort on CSR recruitment and retention.

Trends in recent court reporter headcounts show that statewide, Superior Courts are losing ground as new hires fall short of offsetting attrition:²³

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By December 31, 2023, Superior Courts statewide employed 23 fewer CSR FTEs than on January 1, 2023. During 2023, there were 92 new hires, including 6 voice writers, but 115 CSRs left jobs in Superior Courts. During the first calendar quarter of 2024, Superior Courts hired 26 CSR FTEs, and 31 left their jobs. *Id.*

The total number of California CSRs is also decreasing:²⁴

• The CRB lists 5,481 actively licensed CSRs as of March 2024, a 22% decrease from the 7,058 in 2014.

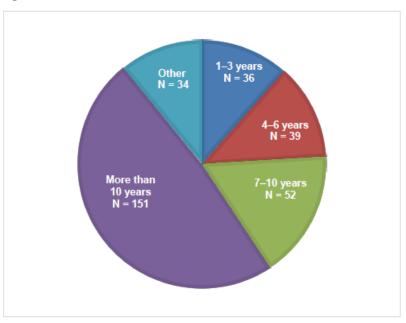
- It is significant that over 1,000 of the current active licensees list addresses outside California, a total that grew by 45 since 2022. Out-of-state CSRs do not increase the pool for Superior Courts, since California residency is a practical requirement for CSRs who must be physically present to report from in the courtroom.
- Of actively licensed court reporters living in California, 46% received their licenses more than 30 years ago.²⁵ And more than 70% of California residents' licenses were issued before 2000.

The Judicial Council also reports that an estimated 50% of CSRs employed by Superior Courts were eligible to retire as of December1, 2023.²⁶ A 2023 survey commissioned by the Court Reporters Board (CRB) found that over 40% of California CSRs plan to retire within the next ten years.

TABLE 12 - YEARS BEFORE RETIREMENT

| YEARS BEFORE RETIREMENT | NUMBER (N) | PERCENT |
|-------------------------|------------|---------|
| 1-3 years | 36 | 11.5 |
| 4-6 years | 39 | 12.5 |
| 7-10 years | 52 | 16.7 |
| More than 10 years | 151 | 48.4 |
| Other | 34 | 10.9 |
| TOTAL | 312 | 100 |

Figure 11 - YEARS BEFORE RETIREMENT



Averaged over the next ten years, 200 newly licensed CSRs would have to be added to the state's total every year just to stay even with the number of licensed CSRs in 2024.²⁸

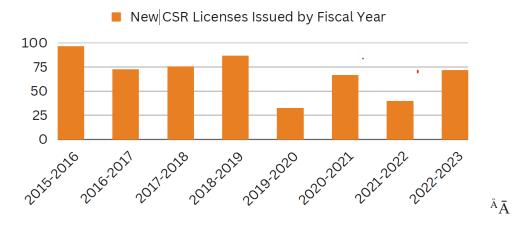
Against this daunting backdrop, we next discuss three sources of new hires to increase the overall number of CSRs employed in Superior Courts: newly licensed CSRS, CSRs now in the private sector, and out-of-state CSRs.

1. Hiring Newly-Licensed CSRs.

One way to address the lack of an official record is to hire newly-licensed CSRs. But it will be difficult in the future, even with increasing numbers of CSRs (including the recently authorized voice writers), for new hiring to offset the significant retirements of current CSRs, let alone increase the total number of reporters in the courts.

The trend in numbers of new CSRs licensees during recent years has been downward. The same is true of court reporter schools. Over the past two decades, thirteen California court reporter schools have closed.²⁹ Currently, the Court Reporters Board lists 8 "Recognized Court Reporter Schools."³⁰

The number of new licenses issued by the CRB declined from 96 in the fiscal year 2014/2015 to 35 in 2021/2022 during the height of the pandemic. Seventy-one new CSRs were licensed in 2022/2023 based on a count of new CSR licenses published by the CRB.³¹



The most recent count of names on the licensee list shows an increase of 114 since June 2023. ³³ The CRB announced that 93 persons passed the dictations exam between July 2023 and March 2024.

The recent increase appears to reflect the authorization, as of January 1, 2023, of voice writers to become CSRs in California.³⁴ Enrollment in court reporting training programs is increasing. West Valley College in Santa Clara County, one of the 8 schools whose students took the November 2023 examination, reported that enrollment increased from 100 to 250 in 2023 with 90 students enrolled in the Voice Writing course of study. Voice writing requires shorter training periods (9 to 12 months versus 18 to 24 months³⁵), and voice writers are passing the demanding dictation test at higher rates. On the November 2023 and March 2024 tests, 24 of 32 (75%) of voice writer applicants passed, whereas only 10 of 68 (15%) of other applicants from court reporting schools passed.³⁶

However, the evidence does not suggest that voice writers will close the hiring gap, at least for years to come. As noted above, it would take 200 new licensees per year—double the most recent annual pass rate—just to stay even with attrition in licensed CSRs available for all forms of employment.

Further, any net increase in number of licensees will be divided between private sector and court employment. The 2023 CRB survey indicated that 51% of CSRs work freelance and 47% as official court reporters.³⁷ If that proportion stays the same over time (i.e., unless courts can compete more successfully with the private sector, which we discuss next), a net gain of over 300 CSRs employed by Superior Courts would require 600 new licensees, in addition to the 200 added licensees per year required just to offset attrition. Considering the decreasing or flat exam pass rates, and the Superior Courts' need for between 324 and 650 additional CSRs (as discussed above), there appears to be no realistic prospect that there will be enough new licensees for that alone to meet the needs of Superior Courts.

2. Hiring CSRs From the Private Sector.

Court shortages of CSRs are exacerbated by the attractiveness of jobs in the private sector. As noted above, the 2023 CRB survey indicates that private freelance CSRs outnumber official court reporters. Private sector court reporting sector demand has increased by 14% (from \$551 million in 2018 to \$628 million in 2023 while the overall number of California CSRs decreased by 22%. The private sector has raised compensation to overcome that shortage. 39

The option of filling court openings by hiring from the private sector depends in large part on whether Superior Courts can offer comparable compensation, benefits, and working conditions. Court employees receive health and retirement benefits, and work regular hours. On the other hand, court reporters say they value the freedom of freelance work; and the 2023 CRB survey reported that 39% of CSRs currently work remotely. Courts should consider allowing more flexible work schedules, job sharing arrangements and other flexibilities that appear to available in the private sector.

The Legislature has made recent appropriations in response to the need for more money for courts to hire CSRs. The 2020-2021 State budget appropriated \$30 million in ongoing funding for trial courts to increase the recruitment and retention of court reporters in family and civil law cases. This amount was repeated in 2021-2022, and increased to \$32 million for 2022-2023. The current proposed State budget includes reversion of \$16 million in unspent funds from the 2023-2024 budget, and continues current annual funding at \$30 million.

According to a Judicial Council survey of Superior Courts about how they used these funds between January 2023 and March of 2024,⁴² 83% courts that responded had used the funds. Among the courts that used the funds, 60% offered signing bonuses,47% offered retention bonuses, 38% implemented salary range increases, and 40% offered finders' fees/referral fees.

The courts that participated used only \$20.4 million of the \$32 million appropriated for 2022-2023. Court-specific data show that the largest, Los Angeles, spent \$6 million of \$9.5 million available. Of the 20 largest courts other than Los Angeles, 9 spent all funds available to them, and the others (LA and Kern aside) spent 57%.

Notwithstanding the expenditures, since 2022 Superior Courts have lost more CSRs than they have hired, as is reported above.

Although monetary compensation is not the whole story of competition between courts and the private sector for CSRs, salary differences are important. As stated in a Senate Appropriations Committee analysis, "Court reporters have reported that, in many cases, the salaries offered by courts are insufficient to draw court reporters away from the freedom of being a freelance court reporter "⁴³

Available information suggests that a large difference in compensation exists between court-employed and private-sector CSRs. The median salary plus benefits for CSRs in Superior Courts is \$193,232. **A Court-employed CSRs also receive transcript fees that reportedly totaled \$122.6 million statewide in 2022-2023, **A which would average \$19,400 annually for the 1,129 CSRs employed in that year. Per working day, a court-employed CSR makes \$925. **A According to the recitals in Senate Bill 662, a litigant must pay a private court reporting agency an average of \$2,580 per day for a deposition and \$3,300 per day for trial. **A If these numbers are accurate, and assuming that private reporting companies spend half of what they charge customers on CSR compensation and benefits, it appears that a private sector CSR earns an average of between 50% and 100% more than the average pay (including both salaries and the cost of benefits) for court employed CSRs. **A8

While adjusting salaries is not the only way to recruit and retain employees, it is unlikely that enough money can be provided for courts to match private sector compensation. To fill the vacant positions at what appears to be private sector compensation levels would require \$27 million to \$55 million (a 50% to 100 % pay increase) for those 300 new hires alone. This is probably an underestimate, as the other 1,129 court-employed CSRs would also demand raises—as would other court employees, in response to these increases.⁴⁹

There would be value in providing California decision-makers with more direct and granular information about prevailing compensation rates, benefits, and working conditions for private-sector CSRs, for use in policy decisions about how to improve the recruitment and retention of court reporters.

3. Hiring CSRs from Other States.

California already appears to be attracting court reporters from other states. Of the 71 new CSR licenses shown on the list for the 2022-2023 fiscal year (counting active, non-delinquent licensees), 40 were to individuals reporting addresses outside California, as were 36 of the 114 new licensees in July 2023 through March 2024.⁵⁰ CSRs residing outside California can work in

private sector jobs such as remote depositions,⁵¹ but as a practical matter, CSRs who reside in other states cannot fill court vacancies that require a CSR to be physically present in a California courtroom. Persuading residents of other states to move to California may be possible, but cost-of-living and state income taxes pose economic hurdles. In any event, far fewer California-licensed CSRs who live outside California appear to be available than the Superior Courts need.

To encourage CSR migration from other states, union representatives suggest the possibility of granting reciprocity to CSRs who have passed examinations elsewhere.⁵²

4. Improvements to Recruitment and Retention Practices.

It is beyond question that Superior Courts do not now employ enough CSRs to cover all proceedings in the case types for which only a CSR may create the official record. CSRs' union representatives maintain that there are enough licensed CSRs, but that courts have failed to use adequate measures to recruit and retain them. 53 $\bar{\rm A}$

To improve recruitment and retention practices, an appropriate body could gather and share best practices for marketing and hiring CSRs. The Court Reporters Board and/or another appropriate agency could gather and publish information from private and government sector employees. The resulting information might, for example, support higher salaries for court CSRs instead of, or in addition to, signing or retention bonuses; or the information might indicate the importance of more flexible work conditions. It might also demonstrate that the ongoing shortages cannot be expected to be solved by economic incentives or work conditions alone. \bar{A}

We know of no trend data, however, that would support a prediction that such improved practices would suffice to fill the existing vacancies or prevent a growing shortage in the future.⁵⁴

B. Increased Use of Electronic Recording.

We have investigated the alternative of technologies using electronic recording.

Repeatedly during the past 40 years, legislators have considered the use of electronic recording as a means of creating the official record of court proceedings. A summary of that history is presented in Appendix 1 to this paper. This year, a proposal to allow use of electronic recording in any proceeding for which a CSR is unavailable was unsuccessful.⁵⁵

A principal criticism is that electronic recording cannot create transcripts equal in quality to those produced by CSRs. This criticism, even if valid, would not answer the due-process and equal

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access concerns on behalf of low-and moderate-income litigants who currently can get no transcript at all in hundreds of thousands of Superior Court hearings.

Moreover, our investigation found ample evidence that electronic recording, properly used, can produce accurate transcripts.

Reports from California: California has abundant experience with electronic recording processes for creating the trial court record. California courts have used electronic recording where CSRs have not been available in hundreds of thousands of limited civil, misdemeanor, and infraction proceedings since 1975 pursuant to authorization under section 69957 of the Government Code. Most attorneys and court personnel we interviewed regarding trial and appellate assignments reported satisfaction with the electronic recording process and record of the proceedings. Several told us that transcripts prepared using electronic recording were indistinguishable from those prepared by CSRs.

In our interviews, judges in a Central Valley Superior Court and a Southern California Superior Court described the audio recordings produced by electronic recording as "excellent" and very clear. Microphones were well placed around the courtroom with a hand-held microphone that could be moved. The microphones had on-off and mute buttons to control what was being recorded. In some courtrooms the courtroom clerk kept track of the date and time when witnesses testified to assist in retrieving testimony for readback to the jury; in others, the judge performed this function. The Southern California judges reported they could obtain the audio recording within an hour for jury readback, with the ability to excise testimony that was found inadmissible. An administrative assistant was able to search the audio recording for key words to find specific testimony requested by the jury. A Central Valley judge reported that having an audio recording of witness testimony was a big "plus" for readback compared to a written record because the jury could hear the witness's pace, tone of voice, pauses, and emotional undertones.

On the other hand, a judge in a Bay Area court identified two current problems with electronic recordings: inadequate quality, quantity, and placement of microphones in the courtrooms, and the poor quality of some transcripts—with "unintelligible" appearing too frequently. Some of the problems were amplified when an interpreter (or more than one) was being used because the voices of the witness and the official interpreter, especially when using simultaneous interpretation, overlapped. This judge emphasized the need for high-quality microphones in appropriate locations—on the podium and at counsel tables and roaming wireless mics for closing arguments.

Experience in Other States: We have found considerable evidence that electronic recording can produce accurate verbatim transcripts. A study conducted by the Federal Judicial Center (FJC) in 1983 found that a transcript produced from an electronic recording was slightly more accurate than one produced by a CSR. ⁵⁶ In the FJC study, "[p]ersonnel employed in the office of the clerk of court were assigned to operate the recorders [and] prepare logs of the proceedings," and "transcripts would be produced from audiotapes and accompanying materials, such as notes

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logging the proceedings, provided by the court employee who operated the project audio system." ⁵⁷ The accuracy was achieved not only by the quality of the electronic recording equipment, which has improved in the intervening 40 years, but also by the use of court-employed staff to monitor the recording process during the hearing.

We interviewed court administrators in Alaska, where audio recordings are made of every proceeding, and the recording, not a transcript, is the official record. (Transcripts are made by the court when requested for citation in briefs, for example, but the transcript is secondary in authority to the recording.) Alaska also uses a court employee to monitor the quality of the recording as it is being made. The administrators told us that the monitor can ask clarifying questions about inaudible portions and address the kinds of problems that court reporters handle—such as asking a witness to speak into the microphone. The monitor makes a log for use if a transcript is requested.

Michigan also requires certified staff for producing audio recordings but not for digital video recording.

The national experience can be summarized as follows:

- Of the 35 states reporting how the trial court record is made for the 2022 National Center for State Courts Court Organization Report, 33 authorized the use of electronic recording for all or some proceedings.⁵⁸
- Thirteen of these states authorized the use of video recording for the trial court record in some or all proceedings.
- New Hampshire's trial courts use electronic recording and court monitors as the exclusive means for making the trial court record.
- The state courts of Maryland have virtually no stenographic court reporting, relying on electronic recording and contracted transcription services.
- The trial courts in 75 of Michigan's 83 counties rely exclusively on audio or video recordings of court proceedings, although they require that CSRs prepare requested transcripts for those recordings.
- For several decades, the Kentucky court system has used video recording as the exclusive method of making the trial court record and presenting it to the appellate courts.
- New Mexico is transitioning from CSRs to using the For The Record (FTR) Gold electronic recording process in which the automated text translation of the audio constitutes the trial court record; a person reading that text can automatically call up the associated audio if clarification is required. New Mexico courts rely on the judge or courtroom deputy to manage the electronic recording process.

• The Colorado judicial system prioritizes using its diminishing number of CSRs for proceedings in death penalty cases and other felony proceedings. Electronic recording is used for proceedings for which court reporters are not available.

The accounts of our interviewees, from California and elsewhere, indicate that electronic recording can create an accurate trial court record and that support by a designated court-employee monitor with appropriate recording equipment can produce transcripts comparable in accuracy to those made by CSRs.

Use of electronic recording could be broadened in several ways – although any interim, incremental solution that falls short of meeting the need will deny equal access to justice in the interim. It could include exceptions for proceedings involving fee-waiver or self-represented litigants if a court-employed CSR is not available. It could come as an adjustment of the CSR-exclusive categories rather than a wholesale permission for electronic recording. It could involve a hierarchy of proceedings for CSRs instead of electronic recording, with priority setting by case type or by any appropriate outcome-neutral method. The hierarchy could change over time to reflect changes—increases or decreases—in the supply of CSRs willing to work in courts at prevailing compensation levels. Colorado adopted a flexible, hierarchical approach to providing an official record in every proceeding when it experienced the same problem of a long-term decline in the availability of CSRs. ⁵⁹ The Chief Justice of Colorado has promulgated such a policy to guide the exercise of discretion by the trial courts, specifying, for instance, that felony proceedings shall have the highest priority for the use of CSRs.

Regardless of what approach is employed, it is critical for access to justice that there be an official record of court proceedings, whether by a CSR, a voice writer, or electronic recording.

a. Use of Electronic Recording with Court Interpreters.

Electronic recording also provides a capability that is lacking in the record created by shorthand reporting or voice writing when a witness testifies in a language other than English. CSRs record

only the official interpreter's translated English version, whereas electronic recording captures both the witness's speech and the official interpreter's translation. The electronic recording can be used to review whether translation errors are made by interpreters. Non-English speakers and use of interpreters are very frequent in many California courts and are growing more common in all our courts.

Well-financed litigants sometimes bring a "check interpreter" who can engage in off-the-record discussions with the official interpreter and bring about corrections informally. There is no other basis for a review of the translation by the official interpreter. Here, again, is a material advantage available

An elderly couple sought a conservatorship, appointing one as conservator for the other, who had Alzheimer's disease and could not take the oath to become a naturalized United States citizen. Neither of them spoke English. An audio recording could allowed them to understand their conservatorship hearing soon afterward by unofficial obtaining an translation into their native Thai. From a legal aid lawyer

only to litigants who have enough money. Electronic recording should, and no doubt will, be accompanied by new procedures for a more equitable review of the work of official interpreters to address translation errors.

b. Best Practices for Electronic Recording.

Consideration of increased use of electronic recording should include steps to avoid or minimize quality issues. Jurisdictions using electronic recording report that quality issues can be resolved by available measures.

- "Inaudibles"—Some utterances are not understandable, whether they are recorded stenographically or electronically. If a staff person monitors the recording, they (or the judge), like a stenographer, can interrupt and ask the speaker to clarify a statement. Advanced systems record every sound—including "Umm"—made by a speaker. All currently used systems include high-fidelity microphones located close to speakers to maximize audio quality.
- Widely used audio technologies use multi-track recording, with each track assigned to a separate microphone location, which can be played back independently to isolate the voice of individual speakers as needed to improve the quality of the transcription and which, especially with speakers and microphone locations identified in a monitor's notes of the proceeding, can assist the transcriber in attributing names to voices accurately.
- Bench and chambers conferences can be recorded on the judge's microphone, or a recorder can be brought into the judge's chambers.
- Attorneys have a mute button on their microphones to suppress the recording of lawyer/client conversations and can be promptly reminded to do so by a monitor.
- Electronic recording applications have a means of locating earlier testimony for reading back during a trial or for the judge's use in preparing findings and orders.
- Preparation of "daily" rough transcripts can be made from audio or video recordings just as they are made from a stenographer's notes.
- Electronic recordings can easily be stored in multiple locations (one on the court's system and a backup in the cloud).
- Electronic recordings avoid problems associated with finding a second court reporter to transcribe stenographic notes made by a retired or incapacitated reporter, or a reporter not available for readback to the jury on a later date.

The California Rules of Court impose requirements for the verification of the accuracy of transcripts and for equipment used for electronic recording.⁶⁰ These could be supplemented by standards and best practices for the use of electronic recording and transcription to ensure accuracy and completeness, including the number and placement of microphones in courtrooms,

procedures to address inaudible responses that occur when speakers are not standing near a microphone or an interpreter performs simultaneous translation, and conduct of judges, court staff, and court monitors.

c. Certifying and Hiring Court-Employed Monitors for Electronic Recording.

Experience in other states suggests the use of certified and trained court monitors for electronic recording enhances the effectiveness of electronic recording. The monitors could be new employees or existing clerks, trained and compensated for additional duties. They would perform functions such as:

- Beginning and ending the recording of each proceeding.
- Ensuring that each proceeding is recorded separately to facilitate the preparation of a transcript.
- Assigning tracks of a multi-track recording device to specific speakers and logging their identifying information.
- Ensuring that testimony is audible and informing the court when a speaker's voice is not audible.
- Maintaining a log of the events of the proceeding and witness testimony and noting the time stamp at which they commence and end.
- Ensuring the security of the recordings.
- Arranging for the preparation of transcripts when needed.

XII. CONCLUSION

Access to the official record of court proceedings is fundamental to access to justice. In California, creation of the record in felony, unlimited civil, family, probate, and dependency proceedings may only be done by a CSR despite the critical and growing shortage of court reporters. As a result, in hundreds of thousands of hearings across California, litigants have no access to an official record of the proceeding unless they have the financial ability to pay for an official court reporter. And absent an official record, litigants, many of whom are low and moderate-income Californians, face disadvantages in litigating their cases and a virtual roadblock to pursing an appeal.

It is time for California to address this fundamental access to justice issue. The State must adopt a permanent, long-term policy that provides access to an official record of court proceedings for all litigants. We urge the Legislature or the Judiciary to fashion solutions to this crisis that improve the justice system and resolve this barrier to making equal access to justice a reality.

APPENDIX 1: A BRIEF HISTORY OF ACCESS TO THE RECORD IN CALIFORNIA COURTS

Since 1886, California has by law (Section 269 of the Code of Civil Procedure) required that the official record be taken down in shorthand. ⁶¹ Similar requirements for juvenile proceedings appear in Welfare and Institutions Code in Sections 369 and 677.

In 1986, the Legislature enacted former Code of Civil Procedure Section 270 (subd. (a)) (repealed in 2001) authorizing a demonstration program in multiple counties to assess the feasibility of using electronic means of producing a verbatim record of court proceedings. The duration of the demonstration program was extended to 1994, with the judicial branch to report on the feasibility of using this process in the Superior Courts. In 1992, the Judicial Council submitted proposed legislation authorizing the permanent use of electronic recording. The Legislature rejected the proposal. In 1994, the Judicial Council adopted rules authorizing the use of electronic means for creating the official record. In 1995, the Court of Appeal ruled in *California Court Reporters Association v. Judicial Council of California* (1995) 39 Cal.App.4th 15 that the Judicial Council's rules conflicted with the statute and were invalid.

Electronic recording is currently authorized by statute in limited types of proceedings. Section 69957 of the Government Code authorizes a judge to order the use of electronic means for making the record in limited civil, misdemeanor, and infraction cases if an official reporter is unavailable. The section also authorizes the courts to purchase equipment for this purpose upon request to and approval by the Judicial Council for each purchase. The equipment may not be used for purposes other than creating a record in these three categories of cases and monitoring the performance of subordinate judicial officers, hearing officers, and temporary judges.

In *Jameson,* the Supreme Court emphasized the impact of budget cuts during the Great Recession that began in 2008:

Prior to the drastic cuts in judicial budgets over the last decade, superior courts in California generally made official court reporters routinely available for civil trials. As a result of budget reductions, however, many, but not all, of the superior courts throughout the state have adopted new policies limiting the availability of official court reporters to only a narrow category of civil cases, which generally do not include ordinary contract, personal injury, or professional negligence cases.⁶²

Widespread offers of early retirement and layoffs of court-employed CSRs early in the Great Recession expanded the numbers of CSRs working in the private-sector. With the growth in private sector court reporting jobs, a major difficulty today in filling court openings is that compensation is substantially higher than in courtroom positions. Further, many private sector jobs offer greater flexibility in working conditions than most courts offer, including remote reporting from home.

In 2008, there was an attempt to add language in the budget trailer bill authorizing electronic recordings in additional proceedings, but this effort failed.⁶³ In 2009, Government Code section

69957 was amended to expressly prohibit electronic recording for judicial note-taking "or to make the official record of an action or proceeding in any circumstance that is not authorized." ⁶⁴

Based on the recommendations of the Legislative Analyst's Office, in 2011, Assembly Bill 803 sought to increase the implementation of electronic recording (starting with 20 percent of superior courts with phased-in implementation thereafter). 65 It did not get through the first Legislative policy committee, with opposition from court reporter groups and labor as well as groups concerned with criminal proceedings – the California Public Defenders Association and California District Attorneys Association. 66

In 2013, AB 251, seeking to expand electronic recording to family law matters when a court reporter was unavailable, failed.⁶⁷

In 2019, Government Code Section 69959(a) was enacted, stating, "Remote court reporting shall not be used by courts to make the record of any court proceedings, and courts shall not expend any funds to purchase equipment or software to facilitate the use of remote court reporting." However, the bill authorized a Santa Clara County pilot program to use remote court reporters. $\bar{\rm A}$

The California Judicial Council adopted an Emergency Rule in 2021 authorizing remote recording during the COVID-19 state of emergency. This ended in 2021 when enactment of Senate Bill 241 required a CSR to be physically present in the courtroom when a court is conducting a trial through the use of remote technology.

Senate Bill 189 (Committee on Budget), Stats. 2022, Ch. 48, among other things, authorized electronic reporting in administrative law proceedings if a stenographic reporter is unavailable upon a finding of good cause by the administrative law judge.

The enactment of Senate Bill 133 in 2023 extended that practice and allowed the use of court reporters who are located in a different courtroom from the judge beginning on July 1, 2024, through June 30, 2025, if certain conditions are met. The bill added requirements that by December 31, 2023, the Judicial Council report to the Legislature about the impact of technology issues affecting remote proceedings and the purchases and leases of technology or equipment to facilitate remote conferences. The bill also requires the Judicial Council, by April 1, 2024, to adopt minimum standards for the courtroom technology needed to permit remote participation.

A bill introduced in the 2023-2024 Legislative session, Senate Bill 662, proposed allowing electronic recording in any type of civil proceeding if a CSR is unavailable. It would have required the Court Reporter Board of California (CRB) to review its CSR examination and evaluate whether it should be replaced with acceptance of the certification examination administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association's certification examination.⁶⁹ Senate Bill 662 was held on suspense in the State Senate in February 2024, which means that it will not proceed to the second house for consideration.

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Concurrently with attempts to widen the use of electronic recording, the Legislature has taken steps to increase the number of CSRs $\Break A$ 2022, it authorized "voice writers" to be licensed as certified shorthand reporters. $\Break A$

The Legislature has also increased funding for CSRs, as is discussed in Section IV.A.2.

ACKNOWLEDGMENTS

We are very grateful for the work of John Greacen, the principal consultant; Jack Londen, the Access Commission's Executive Director; Koleen Biegacki, Director of Administration; Jasmine Kaddoura, Communications Manager; Zach Newman, Legal Aid Association of California staff member; the staff of the Judicial Council for providing information; and, the members of the Access Commission's Working Group on Access to the Record: Justice Gail Ruderman Feuer (Chair), Catherine Blakemore, Bonnie Hough, Michael J. Levy, Jonathan Libby, Judge Victoria Kolakowski, Justice Ron Robie, Judge Monica F. Wiley, and Justice Laurie Zelon.

EndnotesĀ

3 Available at https://newsroom.courts.ca.gov/news/california-chief-justice-delivers-2024-state-judiciary-address .

¹ Code Civ. Proc., § 269; Gov. Code, §§ 69941, 69942, 69957.

² 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* 5 Cal.5th 594, 610 (2018). The Amicus Curiae Committee of the Access Commission urged the Supreme Court to reach this conclusion.

[&]quot;Available at: https://www.courts.ca.gov/documents/Fact-Sheet-Shortage-of-Certified-Shorthand-Reporters-June2024.pdf .Ā

⁵ See *Turner v. Rogers* (2011) 564 U.S. 431; Carpenter, Shanahan, Steinberg, and Mark, *Judges in Lawyerless Courts* (2022); 110 Georgetown Law Journal; Degnan, Ferriss, Greiner, and Sommers, *Trapped in Marriage* (2018) SSRN-id3277900-1.pdf.

 $^{^6}$ One group of courts reported that there was no means for creating a verbatim record; and another group reported that they did not provide any court-employed CSR (but without knowledge of whether a party employed a private CSR). The Judicial Council reported the totals for the two groups separately. \bar{A}

^{*}Data is inclusive of hearings data from 36 courts in Q3 2023, 31 in Q4 2023, and 41 in Q1 2024.

⁸ Data provided by the Judicial Council in a form not yet published in full. Additional courts provided partial data, e.g., estimated number of proceedings without a record but not the total number of hearings for that case type. Only complete data—with both the estimated total proceedings and estimated proceedings without a record—were reported for a case type.

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 m \bar{A}}$ Uncategorized" refers to proceedings in the three categories that Superior Courts did not specify by category but reported as having had no means of creating a verbatim. ${
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- ¹⁰ LAO Letter, available at https://lao.ca.gov/letters/2024/Letter-Umberg-Court-Reporters-030524.pdf.
- ¹¹ The LAO Letter recites that 864,100 civil proceedings in 2022-2023 lacked an official record, and states: "For the civil proceedings lacking records, the most common proceedings lacking records were unlimited civil proceedings (44 percent), non-child support family law proceedings (33 percent), and probate proceedings (14 percent)." (*Id.* at 12.)

The Legislative Analyst responded in the LAO Letter to four questions closely related to the subject of this paper. The responses are highly relevant and, while not coextensive with the discussion in this paper, present information that is consistent with what this paper presents.

- ¹⁴ Jameson provided no remedy for the additional barrier posed by the requirement to pay a per-page fee to the CSR for a transcript. 5 Cal.5th at 624. The Transcript Reimbursement Fund (Bus. & Prof. Code, §§ 8030.1–8030.9.) could be an answer, but it is limited to \$1,500 per case (Bus. & Prof. Code, § 8030.6) and is chronically underfunded in the aggregate so that the fund is often exhausted well before the end of a fiscal year.
- Ä#ĀDepartment of Consumer Affairs, Licensee List (as of June 2024) available at: https://www.dca.ca.gov/consumers/public info/index.shtmlĀĀ
- ¹⁶ Senate Committee on Appropriations, "Report on SB 662 (Rubio) Courts: court reporters" at page 4 (April 27, 2023), available at

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240SB662_.Ā

- ¹⁸ Data from Schedule 7a to "Trial Court Operational Metrics: Year One Report," dated June 30, 2024 as required by the Budget Act of 2022 (Stats. 2022, ch. 43), available at https://www.courts.ca.gov/documents/lr-2024-tc-operational-metrics-BA2022-ch43.pdf
- A' The LAO Letter concluded: "After comparing conversations with certain court administrators with data, we believe that some FTE positions reported as filled may not actually be regularly filled. This is because some FTE positions may have been reported as filled despite court reporters having retired or being out on leave for part or most of the year." Source cited in endnote 10 at 8.
- ²⁰ "Need" is calculated by applying the Resource Assessment Study (RAS) estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, https://www.courts.ca.gov/documents/20170728-17-077.pdf at pages 9-10. The LAO Report states that 1,865.5 FTE CSRs were required by this metric in 2022-2023 -- 691 more than the number of filled FTEs. Source cited in endnote 10 at 8.
- ²¹ Government Code Section 70313. The average cost for acquiring the required equipment was \$12,045 in 2017. Futures Commission Report, Appendix 5.1C. at 262.
- 22 Senate Committee on the Judiciary, "SB 662 (Rubio), Courts: Court Reporters, March 20, 2023 at page 8, available at

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240SB662 .

^A See endnote 1.

Ä!ĀGov. Code Section 68086 ĀGov. Section 70044 and California Rules of Court, Rule 2.956.

¹⁷ Id.

²³ Source cited in endnote 18.

- ²⁴ Data from Department of Consumer Affairs, Licensee List, cited in endnote 15.
- # Āudicial Council Fact Sheet cited in endnote 4, citing CSR Licensee List cited in endnote 15.
- § Audicial Council Fact Sheet cited in endnote 4.A
- ²⁷ Court Reporters Board, "Occupational Analysis of the Certified Shorthand Reporter Profession," (May 2023), *available at:* https://www.courtreportersboard.ca.gov/formspubs/occupational 2023.pdf
- $^{\&}\bar{A}$ here were 5,481 actively licensed CSRs as of March 2024, of whom 40.7% (excluding the "other" subcategory in the survey results), or 2,231, will retire in fewer than ten years according to the CRB 2023 survey cited in endnote 27. This amounts to over 200 new licensees who would be required to offset the number of expected retirees. $\bar{A}\bar{A}\bar{A}$
- ²⁹ Bloomberg Law, "Aspiring Court Reporters Wait as Courts Struggle," (December 11, 2023), available at https://news.bloomberglaw.com/litigation/aspiring-court-reporters-in-limbo-as-california-courts-struggle
- ³⁰ https://www.courtreportersboard.ca.gov/applicants/school_info.shtml
- ³¹ Data from Department of Consumer Affairs, Licensee List, see endnote 15.
- ³² *Id.* (chart compiled from published fiscal year totals).
- ³³ Licensees include CSRs who work in courts and those who work in the private sector and other government positions. They also include non-California residents. Of the 71 new licensees in 2022/2023, 31 reside in California.
- ³⁴ Business and Professional Code Section 8017.5. ("Voice writers are professionals who have been highly trained to capture the spoken word with the capability to convert it into text by means of computer-aided transcription software.")
- 35 CRB examination reports, available at:
 https://www.courtreportersboard.ca.gov/applicants/examstats.shtml.
 https://www.crschools.net/resources/training/index.html. For example, West Valley College in Santa Clara County, one of the 8 schools whose students took the November 2023 examination, reported that enrollment increased from 100 to 250 in 2023, with 90 students enrolled, with the most growth in the Voice Writing course of study.
- ³⁶ CSR unions also have argued for lowering the passing exam score to increase new licensees. California requires 97.5% accuracy on the dictation test, instead of 95% as most states require (https://www.bloomberglaw.com/bloomberglawnews/litigation/XDI5F3D4000000?bna news filter=litigation#jcite), and to issue provisional licenses for those studying for certification.
- ³⁷ See endnote 27, supra, at 11.
- ³⁸ See https://www.courtreportersboard.ca.gov/about-us/sunset_2018_2019.pdf and Department of Consumer Affairs, Licensee List (as of April 1, 2024),
- ³⁹ Statistica: U.S. Census Bureau (2017)
- ⁴⁰ Sen. Bill 170 (Stats. 2021, ch. 240); Sen. Bill 154 (Stats. 2021, ch. 43). [2022 Budget Bill]
- $^{\hat{A}\bar{A}}\bar{A}$ 023-2024 Judicial Branch Budget Memo, June 28, 2024, at page 5.
- ⁴² Data provided by the Judicial Council from survey results to be published in the future.
- ⁴³ Senate Committee on Appropriations, "Report on SB 662 (Rubio) Courts: court reporters" at page 4.

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- "*Āhe LAO LetterĀemphasizes difficulties in comparing the compensation of court-employed CSRs with CSRs in the private sector for example, there are differences in benefits and lack of pay to private sector CSRs when they do not work. Source cited in endnote 10 at 18-19. The LAO letter concludes that "it is difficult to assess whether the full compensation provided to court reporter employees is higher or lower than that earned by private court reporters." (*Id.* at 19.)Ā
- [™] Āhe Judicial Council's Fact Sheet reports that Court reporters in California are paid, on average, 51% more than other nonmanager court positions." Available at the address cited in endnote 4.
- ⁵⁰ Data from Department of Consumer Affairs, Licensee List, see endnote 9.
- ⁵¹ For example, a private court reporting firm advertised in August 2020 for out-of-state CSRs to cover remote depositions originating in states with "particularly high demand," Texas and California Kaplan Leaman & Wolfe Announces Affordable Flat Rates Nationwide For Remote Depositions & Virtual Court Reporting Services (2020), available at: https://cdc1c-plus-advance.route53.lexis.com/api/document?collection=news&id=urn:contentItem:60HC-W681-JCNX-32M9-00000-00&context=1530671
- $^{\#}$ \bar{A} the CRB has considered reciprocal licensing with specific states, such as Texas. https://www.courtreportersboard.ca.gov/about-us/20210329 agenda.pdf $\bar{A}\bar{A}$
- #"Another method of creating a record for appeal is the settled statement. For purposes of an appeal, an A litigant may make a motion in Superior Court to approve a "settled statement" in lieu of a reporter's transcript under California Rules of Court, Rule 8.137(b)(2). This is not a solution for the many occasions other than filing an appeal in which an official record of a hearing or trial is needed. Moreover, where there is no verbatim, contemporaneous written record, it is not possible to create a statement that is comparable in accuracy and completeness to a transcript. It is burdensome and difficult for a judge to resolve disputes over testimony at trial or what was said at a hearing. See. e.g., People v. Bradford (2007) 154 Cal.App.4th 1390, 1418. In addition, the settled statement process can be difficult and unfair for a self-represented litigant opposed by a lawyer. Settled statements are, in short, not an adequate alternative.ĀĀĀ
- *** \bar{A} enate Bill 662 proposed to so amend Gov. Code § 69957(a). The bill was held on suspense in the State Senate in February 2024, and did not proceed further. \bar{A}
- ⁵⁶ Greenwood, Comparative Evaluation of Stenographic and Audiotape Methods for United States District Court Reporting, Federal Judicial Center (1983) NCJ Number 94229.

 $ar{\mathbb{Z}}$ ata reported in the Judicial Council Fact Sheet available at the address cited in endnote 4. $ar{\mathbb{A}}$

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⁴⁶ This estimate assumes 1,164 court-employed CSRs receive \$193,232 in average compensation and benefits, plus \$2,600,000 in aggregate transcript fees, and work 230 days per year.

⁴⁷ SB 662, Section 1(h), see endnote 27.

⁵⁷ *Id*. at pages x and 21.

⁵⁸ Virginia is the sole jurisdiction not authorizing an automated process. Kentucky relies exclusively on video recording.

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https://www.courts.state.co.us/userfiles/file/Court Probation/5th Judicial District/Order%2006-08%20(Amended).pdf

⁵⁹ Colorado Supreme Court, Order No. 06-08, "In the Matter of the Establishment of a Court Reporter Use Policy in District Courts," available at https://www.courts.state.co.us/userfiles/file/Court_Probation/5th_Judicial_District/Order%2006-

 $^{{}^{\$} ar{A}} \bar{A} \hat{A}$ Rules of Court, Rule 2.952. $\bar{A} \bar{A}$

⁶¹ For purposes of an appeal, a litigant may make a motion in Superior Court to approve a "settled statement" in lieu of a reporter's transcript under California Rules of Court, Rule 8.137(b)(2). But see endnote 54 regarding the shortcomings of a settled statement.

⁶² Jameson, supra, 5 Cal.5th 594, 610, citing Futures Com. Rep., supra, pp. 239–240.

⁶³ Ibid.

⁶⁴ Senate Bill 13 (Stats. 2009–2010 4th Ex. Sess., ch. 22 § 9). Futures Com. Rep., *supra*, at fn. 27, p. 248 ("The amendments also added a requirement for advance approval from the Council for a court's purchase of electronic recording equipment."). This was implemented via a larger public safety bill.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Gov. Code §69959(b) defines remote court reporting as "the use of a stenographic reporter who is not present in the courtroom to produce a verbatim record of court proceedings that are transmitted by audiovisual means to the reporter."

⁶⁹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB662

TAB 16

Fact Sheet: Shortage of Certified Shorthand Reporters in California

COUNCIL OF CALLEORANDE

June 2024

Background

The California Supreme Court, in a 2018 opinion, stated that "the absence of a verbatim record of trial court proceedings will often have a devastating effect" on a litigant's ability to have an appeal decided on the merits. The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required and electronic recording is not authorized. Parties may arrange for the services of a court reporter in other case types. However, a declining number of court reporters threatens access to justice for court users, especially Californians who can't afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

To meet minimum requirements,⁵ the most recent report from the Legislative Analyst's Office estimates that California courts need an additional 691 full-time court reporters.⁶ In addition to court reporters employed by the courts, courts also contract with pro tempore⁷ reporters to help meet the need.

California trial courts reported in recent surveys that between January 1, 2023 and March 31, 2024:

- 46 of the 58 courts have actively recruited for court reporters;
- 118.6 (FTE) court reporters were hired, 30.0 (FTE) of whom came from other courts (25.3% of all hires) and 11.8 (FTE) of whom are voice writers (9.9%); and
- 145.7 (FTE) court reporters have left employment at the courts, for a net loss of 27.1 (FTE) reporters.

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.9 However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%. 10 Potential indicators that the decline will continue include:

Challenging pathway to licensure: Sixty-eight new licenses were issued statewide in 2022–23.^{11,12} Of the 326 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Jul. 2023, Nov. 2023, and Mar. 2024), 42.6% passed. The November 2022 exam was the first to include voice writing; a total of 45 individuals have since passed the skills exam as voice writers.¹³

¹ Jameson v. Desta (2018) 5 Cal.5th 594, 622.

² Felony and juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁴ Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

⁵ Covering all case types where a court reporter is required or electronic recording is not authorized.

⁶Legislative Analyst's Office: March 5, 2024, <u>lao.ca.gov/letters/2024/Letter-Umberg-Court-Reporters-030524.pdf</u>.

 $^{^{7}}$ Refers to an individual who is retained by the court on an intermittent or contractual basis.

⁸ Court Reporter Recruitment, Retention, and Attrition dashboard, <u>www.courts.ca.gov/76328.htm</u>.

⁹ Court Reporters Board: April 4, 2024, Board Meeting Packet, www.courtreportersboard.ca.gov/about-us/20240404_packet.pdf.

¹⁰ Department of Consumer Affairs data portal, <u>www.dca.ca.gov/data/annual_license_stats.shtml</u>.

¹¹ Court Reporters Board: April 4, 2024, Board Meeting Packet, <u>www.courtreportersboard.ca.gov/about-us/20240404_packet.pdf</u>.

¹² Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010),

www.courtreportersboard.ca.gov/applicants/school_info.shtml. However, students may also qualify for California's Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing.

¹³ Court Reporters Board, School Examination Statistics, <u>www.courtreportersboard.ca.gov/applicants/examstats.shtml</u>.

Fact Sheet: Shortage of Certified Shorthand Reporters in California



June 2024

Court reporters likely nearing retirement: In California, approximately 46.1% of all active licenses were issued at least 30 years ago¹⁴ and an estimated 50.0% of court-employed reporters were eligible to retire as of December 1, 2023.¹⁵

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2023–24 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$193,232. 16 This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average. 17 Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%. 18 In FY 2022–23, California courts spent \$22.6 million on transcripts. 19

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between January 1 and March 31, 2024, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (75.6% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (56.1%), finder's fees (48.8%), increased salary ranges (21.9%), and more.²⁰ For example, the Los Angeles court is offering a \$50,000 signing bonus, a \$15,000 student loan and equipment allowance, and a \$25,000 finder's fee for court employees who refer a court reporter; Riverside offers up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification. Additionally, San Francisco has hired five paid interns for their first-in-the-nation court reporter internship program and Los Angeles offers a program to its employees that includes a full court reporting tuition scholarship (including all fees and equipment costs), the ability to attend classes during work hours, and guaranteed employment as a court reporter upon licensing.

Importance of the Verbatim Record

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%).²¹ The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits.²² For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection.²³ California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.²⁴

¹⁴ Department of Consumer Affairs, Licensee List (as of Jun. 2024), www.dca.ca.gov/consumers/public_info/index.shtml.

¹⁵ Estimation based on data collected in a December 2023 survey of California Trial Courts.

¹⁶ Median value of estimated salary and benefit costs statewide by the filled court reporter FTEs.

¹⁷ Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

¹⁸ Sen. Bill 170 (Stats. 2021, ch. 240).

¹⁹ 2022–23 Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

²⁰ Court Reporter Recruitment, Retention, and Attrition dashboard, <u>www.courts.ca.gov/76328.htm</u>.

²¹ Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types or in the aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings (or vice versa), that case type data was removed from the data set.

 $^{^{\}rm 22}$ Jameson, supra, 5 Cal.5th at 608, fn. 1.

²³ In re Armstrong (1981) 126 Cal.App.3d 565; March v. Municipal Court (1972) 7 Cal.3d 422.

²⁴ People v. Jones (1981) 125 Cal.App.3d 298; People v. Apalatequi (1978) 82 Cal.App.3d 970; see Pen. Code, § 1181(9).

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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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.

PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT AND BAY AREA LEGAL AID'S APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 5 OF 6 - PAGES 955-1207

Service on Attorney General required by Cal. Rules of Court, rule 8.29(c)

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Los Angeles, CA 90067.

On December 4, 2024, I served true copies of the following document described as:

PETITIONERS' APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 5 OF 6 - PAGES 955–1207

on the interested parties in this action as follows:

BY TRUEFILING: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx, with delivery fees paid and provided for, and addressed to the persons at the addresses listed in the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

BY EMAIL: I caused a copy of the document(s) to be sent to the persons at the e-mail addresses listed in the attached Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on December 4, 2024 at Los Angeles, California.

| Denis Listengourt |
|-------------------|

SERVICE LIST

Hon. Edward G. Wei, Presiding Judge Kate Bieker, Court Executive Officer Superior Court of California County of Contra Costa Wakefield Taylor Courthouse 725 Court Street Martinez, CA 94553 dept1@contracosta.courts.ca.gov ctadmin@contracosta.courts.ca.gov

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Hon. Sergio C. Tapia, Presiding Judge
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BMcGowen@scscourt.org
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Hon. Maureen F. Hallahan, Presiding Judge
Hon. Michael S. Groch, Assistant Presiding Judge
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Superior Court of California
County of San Diego
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TAB 17



March 5, 2024

Hon. Thomas J. Umberg Senator, 34th District 1021 O Street, Suite 6530 Sacramento, California 95814

Dear Senator Umberg:

At the end of December, you requested that we examine the current and future availability of court reporters in the trial courts and provide information no later than March 5, 2024. In addition to any information we deem to be relevant and important, you specifically asked that we provide data and findings in the following key areas:

- Existing policies related to the provision of court reporters across case types and specific proceedings, including how courts are operationally making use of their existing court reporter workforce, the extent to which electronic recording is being utilized because court reporters are not available, and the extent to which there is a lack of record because electronic recording is not permitted by law and a court reporter is not available.
- Existing court reporter levels, the extent to which there is a shortage, and potential factors contributing to a shortage.
- Future availability of court reporters, including the impact of the authorization of voice reporting as a means of producing a verbatim record and trends related to the number of people becoming newly certified.
- Use and impact of the additional ongoing funding provided to increase the number of court reporters in family and civil cases.

LAO Summary. In this letter, we provide background information on court reporting, and information on the current and future overall availability of court reporters in California, as well as their specific availability and use in the trial courts. This includes information on how the availability of court reporters in the trial courts has (1) affected how courts use court reporters and electronic recording, (2) affected the production of records of proceedings, and (3) created operational challenges for the courts. We then provide information on how much is currently spent to support court reporter services as well as how the trial courts have made use of the \$30 million in additional General Fund support provided annually to increase the number of official court reporters in family and civil law proceedings. In addition, we discuss how trial courts are competing with the private sector for court reporters. Finally, we provide key questions for legislative consideration related to the availability of court reporters. To prepare this letter, we evaluated data collected from and/or provided by the Court Reporters Board

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(CRB), Judicial Council, and trial courts, and consulted relevant papers and studies. We also consulted with numerous key stakeholders—notably CRB, trial court administrators, and court reporters—to obtain a diverse range of perspectives and insights.

BACKGROUND

Court Reporters Licensed by State

Court Reporters Create Records of Legal Proceedings. Court reporters create records in court proceedings as well as non-court proceedings (such as depositions). Court reporters can be public employees hired by the courts, private contractors who can be hired individually by the courts or lawyers, or private employees who work for a private firm which can contract with the courts or lawyers to provide services.

Court Reporters Licensed by State to Create Records in Different Ways. State law requires CRB to oversee the court reporter profession. This includes the licensing of court reporters, the registration of all entities offering court reporting services, and the enforcement of related state laws and regulations. Prior to September 2022, court reporters were generally licensed to produce an official verbatim record via a stenographic machine—a specialized keyboard or typewriter used to capture their typed shorthand. These court reporters are generally known as "stenographers." Chapter 569 of 2022 (AB 156, Committee on Budget) authorized voice writing as an additional valid method of creating such a record beginning September 2022 and authorized CRB to issue licenses for court reporters—known as "voice writers"—who use voice writing. Voice writers make verbatim records by using a machine to capture their verbal dictation of shorthand. Court reporters can also be requested to produce transcripts. This requires them to transcribe the shorthand records they produce into a specific written format that can be read by untrained individuals. Chapter 569 also required that licensees—whether they produced a record via stenography or voice writing—be treated the same by CRB and public employers. This specifically includes prohibiting public employers from providing different compensation purely based on the manner in which the licensee produces the record.

Court Reporters Must Qualify for and Pass a Licensing Examination. To receive a court reporter license, individuals must pass a licensing examination, be over the age of 18, and have a high school education or its equivalent. Individuals may qualify for the examination in various ways, such as successfully completing a court reporting school program or having a license from another state. In a May 2023 Occupational Analysis conducted by the Department of Consumer Affairs (DCA), a survey of select court reporters indicated that 90 percent of licensees qualified for the court reporter licensing examination by completing a course of study through a California recognized court-reporting school. The court reporter licensing examination consists of three parts: (1) a written, computer-based English grammar, punctuation, and vocabulary test; (2) a written, computer-based professional practice test evaluating knowledge of statutory and regulatory requirements as well as key legal and medical terminology; and (3) a practical dictation and transcription test in which individuals must be able to transcribe a ten-minute simulated court proceeding at 200 words per minute and with a minimum 97.5 percent accuracy rate.

Court Reporter Licenses Valid for One Year. Court reporter licenses are valid for one year, require the payment of an annual fee, and indicate whether licensees are certified in stenography and/or voice writing. CRB can suspend or revoke licenses if professional standards are not met as well as reinstate them if appropriate. Licensees who fail to pay their fees for three consecutive years are required to retake the licensing examination. Additionally, licensees are required to notify CRB of any name or address changes within 30 days.

Court Reporters Provide Service to Trial Courts

Records of Court Proceedings Are Important for Due Process. A record in court proceedings is important to ensure due process. For example, a lack of a record can mean that not all parties in a case have the same understanding of what occurred in the proceeding (such as the specific conditions of a restraining order). It can also make it difficult for an appeal to succeed. In addition, a record is often necessary to substantiate a claim of judicial misconduct. This is because, without a record, it can be difficult for the Commission on Judicial Performance—which is responsible for adjudicating claims of judicial misconduct—to investigate and resolve such claims.

Court Reporters Required to Make Records in Certain Court Proceedings. State law mandates court reporters prepare official verbatim records of certain court proceedings. This includes felony and misdemeanor, juvenile delinquency and dependency, and select civil case proceedings. However, even in non-mandated proceedings, trial courts may choose to provide a court reporter if one is available. If the trial courts are unable to (or choose not to) provide court reporters in non-mandated proceedings, litigants are allowed to hire and bring their own private court reporters to make a record of proceedings at their own expense. State law generally requires that court reporters provided by the trial courts be present in person.

Court Reporters Paid for by Courts or Litigants Depending on Various Factors. The trial courts bear the costs for providing court reporters in mandated proceedings and may choose to bear the cost in cases where they elect to provide court reporter in certain non-mandated proceedings. However, for non-mandated civil proceedings, state law generally requires a \$30 fee be charged for proceedings lasting an hour or less and that actual costs generally be charged for proceedings lasting more than an hour. Because the actual cost is charged, the amount paid can vary by court. Despite this general policy, trial courts are required to provide and pay for court reporters in non-mandated civil proceeding for those individuals who request one and are low income enough to qualify for and be granted a fee waiver by the courts (known as Jameson cases). Court reporters separately charge courts (generally in mandated proceedings) and litigants (generally in non-mandated proceedings) for the costs of preparing transcripts.

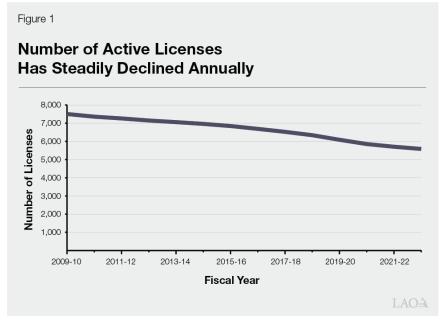
Electronic Recording Used in Lieu of Court Reporters in Certain Proceedings. If a court reporter is not available, state law authorizes trial courts to use electronic recording to make a record in infraction, misdemeanor, limited civil, and Jameson civil case proceedings. When electronic recording is used in lieu of a court reporter, the proceedings are recorded by equipment in the courtroom. Courts may charge a fee to provide a copy of a recording to a litigant—typically to cover the court's cost of providing the recording. In some cases, electronic

recordings can be used in lieu of a record produced by a court reporter. In other cases, an electronic recording must be transcribed to produce a transcript.

OVERALL AVAILABILITY OF COURT REPORTERS IN CALIFORNIA

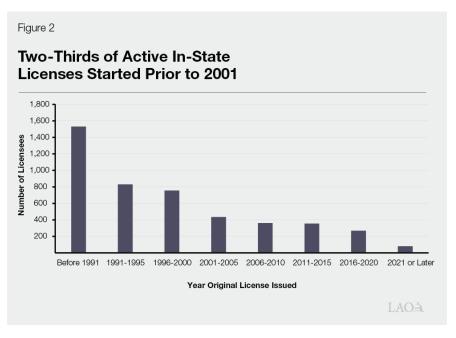
Current Availability of Court Reporters Declining and Geographically Concentrated

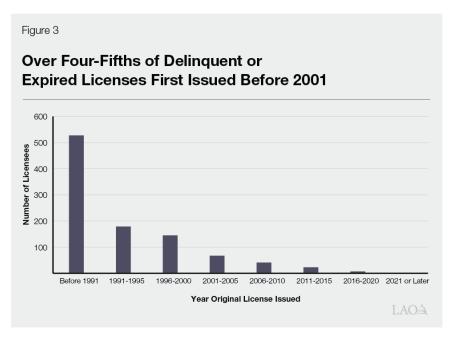
Number of Licensed Court Reporters Declining. The number of court reporters with active licenses has steadily declined over the last 14 years. As shown in Figure 1, the number of court reporters with active licenses declined from 7,503 licenses in 2009-10 to 5,584 licenses in 2022-23—a decline of 1,919 licenses (26 percent). Of the 5,584 active licensees in 2022-23, 4,752 (85 percent) reported being in state and 832 (15 percent) reported being out of the state or out of the country. (The number of active in state licensees is particularly relevant as state law generally requires that court reporters provided by the trial courts be present in person.) We would also note that the number of active licensees reporting being out of the state or out of the country has increased in recent years. Specifically, 188 more active licensees reported being out of state or out of the county in 2022-23 than in 2019-20—an increase of 29 percent.



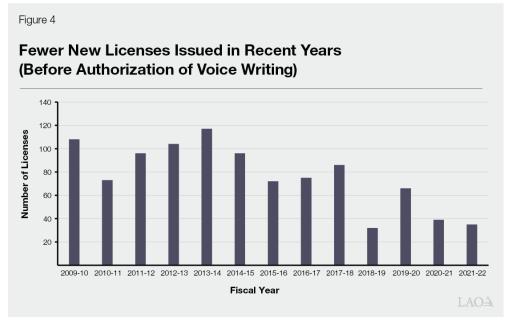
Many Existing Court Reporters Could Be Approaching Retirement. In examining court reporter licensee data as of January 2024, there were 5,444 active court reporter licensees—of which 4,618 were in state and 826 were out of the state or out of the country. As shown in Figure 2 on the next page, about two-thirds of active in-state licensees (3,115 individuals) received their initial license prior to 2001—more than 23 years ago. Additionally, the number of licensees receiving their initial license in recent years has declined. This suggests that the existing court reporter licensee population is generally older and that a major share of them could be eligible for retirement in the near future. Further supporting this conclusion, the data reflected

about 990 delinquent or expired licenses as of January 2024. As shown in Figure 3, 86 percent of these licensees (851 individuals) received their initial license prior to 2001. This suggests that it is possible that many of the individuals who allowed their license to become expired or go delinquent did so due to retirement. Finally, the DCA May 2023 Occupational Analysis indicated that about 40 percent of court reporter survey respondents self-reported being ten years or less from retirement.





New Licenses Generally Decreasing in Years Before the Authorization of Voice Writing. As shown in Figure 4, the number of new licenses issued by CRB has generally declined in recent years. It is important to note, however, that this data does not reflect the time period after the authorization of voice writing in September 2022. The number of new licenses issued has fluctuated between 2009-10 and 2021-22—ranging from a high of 117 licenses in 2013-14 to a low of 32 licenses in 2018-19. In the two years just prior to the authorization of voice writing, there were relatively few new licenses. Specifically, there were 39 new licenses in 2020-21 and 35 new licenses in 2021-22, which could reflect the impacts of the COVID-19 pandemic.

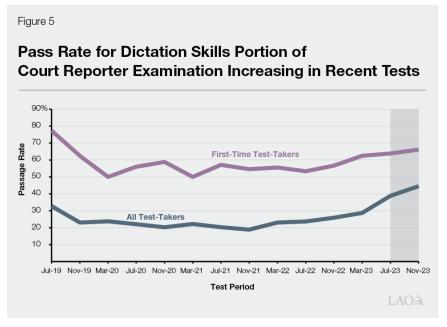


Court Reporters Geographically Concentrated. As of January 2024, active licensees are physically located in 54 out of the state's 58 counties. Consistent with the state's overall population distribution, licensees tend to be geographically concentrated in certain counties. Specifically, out of the 4,618 in-state active licensees, nearly 38 percent were located in two counties—1,101 licensees (24 percent) in Los Angeles County and 654 licensees in Orange County (14 percent). Another ten counties had between 100 to 355 active licensees each—representing about 39 percent of the active licensee population. In total, this means that a little more than three-quarters of the active in-state licensees are located in 12 counties. This is notable as court reporters provided by the courts are generally required to appear in person at court facilities. As such, certain courts may have more difficulty than others in meeting their need.

Future Availability of Court Reporters May Increase Due to Voice Writing

Voice Writing Could Increase Licensing Examination Passage Rates. As voice writing was authorized as a valid method for producing a record only in September 2022, there is currently limited data to assess its impact. However, there are some early promising signs that voice writing could help increase the number of individuals passing the licensing examination. In conversations with stakeholders, our understanding is that the dictation skills portion of the licensing examination is easier to pass for voice writers than stenographers. This is because

individuals generally speak naturally at a faster rate than they can type, which can make it easier for voice writers to complete their court reporting school programs and meet the minimum speed and accuracy thresholds to pass the dictation portion of the exam. As shown in Figure 5, the overall pass rate for the dictation skills portion of the court reporter examination has increased in the two most recent tests offered in July and November 2023—the first two months in which voice writers from court reporting school programs took the test. Specifically, the pass rate for all test-takers increased from 29 percent in the March 2023 test to 45 percent in the November 2023 test. The idea that the overall higher passage rates in July and November 2023 are potentially due to the high passage rates of voice writers is supported by data on dictation skills test results for those coming out of a court reporter school program. Specifically, in looking at the July 2023 results, voice writers (all first-time test-takers) averaged a pass rate of 50 percent and stenographers averaged a pass rate of 23 percent. Similarly, in looking at the November 2023 results, voice writers averaged a pass rate of 73 percent and stenographers averaged a pass rate of 13 percent.



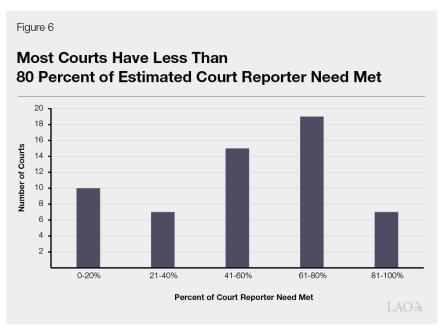
Voice Writing Could Increase Number of Individuals Pursuing Court Reporting Careers. In conversations with stakeholders, the seemingly higher pass rate for voice writers and the shorter time needed to complete court reporting school programs for voice writers could result in more people seeking to become court reporters. (As mentioned above, most individuals qualify for the court reporting licensing examination by completing a school program.) Stakeholders shared that court reporting schools have begun offering voice writing programs and indicated that at least some schools now have wait lists of students. Supporting this perspective, since the authorization of voice writing in September 2022, four out of eight registered California reporting schools have had voice writing students from their programs taking the dictation portion of the court reporter examination. Additionally, as of January 2024, CRB reports 30 individuals being licensed as voice writers and 4 being licensed as both stenographers and voice writers. In addition, with shorter program lengths and higher passage rates for voice

writing, it could be fiscally beneficial for more schools to offer voice writing or for schools to offer more slots or classes in voice writing as more students can be processed at a lower cost compared to stenography. As such, the authorization of voice writing could help increase the total number of active court reporter licensees in the near future.

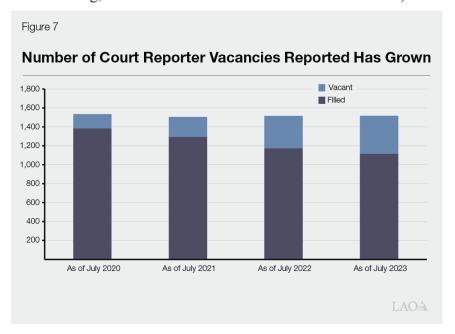
AVAILABILITY OF COURT REPORTERS IN CALIFORNIA TRIAL COURTS

Number of Court Reporters Below Reported Need and Declining

Actual Number of Court Reporters Less Than Need Identified by Judicial Branch. Using 2022-23 data, the judicial branch indicates that 1,865.5 full-time equivalent (FTE) court reporter staff would be needed for trial courts to provide court reporters in all proceedings—except for infractions, misdemeanors, and limited civil proceedings in which electronic recording is authorized. (For the purposes of counting FTEs, two half-time employees are counted as one FTE.) This estimate was reached by assuming the courts would need 1.25 FTE court reporters for each judicial officer. The trial courts also report that about 1,164 FTE positions (69 percent) were filled in 2022-23—which leaves 691 FTE positions (37 percent) that the judicial branch estimates would need to be filled to provide court reporters in all proceedings where electronic recording is not authorized. (We note that this difference may actually be greater. After comparing conversations with certain court administrators with data, we believe that some FTE positions reported as filled may not actually be regularly filled. This is because some FTE positions may have been reported as filled despite court reporters having retired or being out on the leave for part or most of the year.) The specific need, however, varies by court. For example, the Kings court reports having filled FTEs sufficient to meet only 15 percent of its estimated need. In contrast, the San Mateo court reports having filled FTEs sufficient to meet 84 percent of its estimated need. As shown in Figure 6, most courts currently have less than 80 percent of their estimated need met.



Increased Vacancies at Courts. Through a survey we administered with nearly all trial courts responding, trial courts have reported a marked increase in the number of court reporter FTE vacancies they are experiencing. (We would note trial courts, in contrast to state agencies, have greater flexibility in the creation and elimination of positions. Trial courts individually may also treat position counts differently. As such, the actual number of vacancies could be higher or lower than reported.) As shown in Figure 7, court reporter FTE vacancies have increased from 152 FTE positions as of July 2020 (a 10 percent vacancy rate) to 400 FTE positions as of July 2023 (a 25 percent vacancy rate). This is despite increased efforts by trial courts to actively recruit new court reporters—including by offering significant compensation-related benefits beginning in 2022-23. (These benefits, which are partially or fully supported by \$30 million in dedicated annual state funding, are discussed in more detail later in this letter.)



Departures Not Offset Despite Increased Hiring. While nearly all trial courts responded to the survey we administered, not all courts were able to provide the data we requested related to new hires and departures. The data received, however, indicate that the number of court reporter FTEs leaving courts has not been offset by increased FTE hiring numbers. Trial courts reported roughly between 150 to 200 departures each year between 2020-21 and 2022-23. In contrast, trial courts reported hiring 71 new FTEs in 2020-21, which increased to 104 new FTEs in 2022-23. However, as shown in Figure 8 on the next page, these new hires were not sufficient to replace the departures—leading to a net loss of court reporter FTE positions—consistent with the increased vacancies described above. The number of courts actively recruiting for new court reporter employees also increased from 29 courts in 2020-21 to 42 courts in 2022-23—an increase of 45 percent. Courts indicated that some common reasons for departures included retirement, going into the private market, and resignation.

| Figure 8 | | | |
|--|-----------------|------------------|------------------|
| New Hires Unable to Offset Departures | | | |
| | 2020-21 | 2021-22 | 2022-23 |
| Departures (FTE) New hires (FTE) Net loss (FTE) | 152 71 81 | 200 88 111 | 149 104 45 |
| Number of courts who actively recruited for new court reporters FTE = full-time equivalent. | 29 | 39 | 42 |

Courts Starting to Hire Voice Writers. To date, seven courts have reported hiring voice writers. In examining data from courts that were able to provide hiring data, about 9.3 FTE out of 60.5 FTE new hires (15 percent) were voice writers. In addition, about 80 percent of trial courts expressed no preference between court reporters creating a record via stenography versus voice writing. The remainder who expressed a preference for stenography generally indicated that, for most of them, the preference was due to a current lack of familiarity with voice writing. It seems as if this can be easily overcome by demonstrations and education to make courts more knowledgeable and confident in voice writing. This suggests the authorization of voice writing could have a positive impact in helping the trial courts address their identified court reporter need.

Current Availability of Court Reporters Has Impacted Courts in Various Ways

Availability of Court Reporters Has Affected How Courts Assign Court Reporters to **Proceedings.** Existing trial court polices for use of court reporters varies by court based on operational and budgetary choices, as well as on the overall availability of court reporter employees and private court reporters. In the past, when court reporter availability was sufficient, our understanding was that court reporters were generally assigned to a specific courtroom or judge. Over time, due to the decline in the availability of court reporters at the trial courts, this policy has changed. Now, some courts assign their court reporters to specific courthouse locations, courtrooms, or calendars. Other courts place their court reporters in a pool by case type or location and assign them out as needed. Still other courts have some court reporters that are designated as "floaters" who are available to be assigned to any proceeding or location as needed. Courts may also use a combination of these methods. For example, a court may assign court reporters to criminal and juvenile courtrooms as those generally have mandated proceedings and pool court reporters available for civil cases to assign them out for specific proceedings that may need to be covered. Court reporters who finish their assignment earlier than expected may then be assigned to another courtroom. Finally, trial courts may contract with a private firm or hire private court reporter contractors to cover vacancies, scheduled or unscheduled court reporter absences, and unexpected demand for court reporter services.

Availability of Court Reports Has Limited the Types of Proceedings Court Reporters Are Provided in. The availability of court reporters in each trial court also shapes what types of proceedings a court reporter may be provided for. All trial courts typically provide court reporters in felony and juvenile proceedings as mandated by law. While court reporters are also generally

mandated in misdemeanor proceedings, some courts use electronic recording in these proceedings when a court reporter is not available as allowed by law (this is discussed in greater detail below). Courts generally do not provide court reporters in infraction cases. There are more significant differences in civil case types—including general civil, family, probate, and mental health proceedings. While a select number of civil proceedings are required to be covered by a court reporter, trial courts have more discretion in whether other civil proceedings are covered. This leads to more significant differences between trial courts. For example, courts differ in whether court reporters are provided in restraining order proceedings and conservatorship proceedings. However, over time, courts have slowly withdrawn court reporters from various civil proceedings. For example, the Santa Cruz court stopped regularly providing court reporters in probate cases in 2018, in Department of Child Support Services proceedings in 2021, and civil and family restraining orders in 2023. Most courts currently do not provide court reporters in non-mandated civil proceedings, but may attempt to do so if court reporter resources are available. For example, one court reported attempting to ensure a court reporter was available to cover domestic violence restraining order proceedings after the court ensured that all mandated proceedings were covered.

Availability of Court Reporters Has Resulted in Courts Using More Electronic Recording. The availability of court reporters has resulted in more courts turning to electronic recording to create records in misdemeanor and limited civil (including eviction cases that fall within the threshold) proceedings. Electronic recordings may also be used in other civil proceedings, such as those subject to a Jameson request or at the direction of the court. For example, the Presiding Judge in the Ventura court issued an administrative order in February 2023 specifying that (1) court reporters will no longer be provided in family law contempt proceedings given the lack of available court reporters and (2) electronic recording was authorized to create the record instead as such proceedings were quasi-criminal in nature.

Limited Data on Extent to Which Availability of Court Reporters Affects Whether Records Are Created. Due to technological constraints, trial courts generally had some difficulty providing comprehensive information on the number of proceedings (1) in which records were created in 2022-23, (2) that were statutorily required to have a record made, (3) in which a record was made because it was requested by one of the participants, (4) in which electronic recording is being utilized because court reporters are not available, and (5) in which there is a lack of record because electronic recording is not permitted by law and a court reporter is not available. About two-thirds of the trial courts were able to provide some data, but with varying levels of completeness. Based on this data, the trial courts reported:

- 5.1 million proceedings across all case types in 2022-23 had a record created. Of this amount, 2.1 million were made via electronic recording—1.9 million in criminal proceedings, about 350 in juvenile proceedings, and about 185,100 in civil proceedings. The remaining 3 million records were made by a court reporter—2.2 million in criminal proceedings, about 390,300 in juvenile proceedings, and about 409,500 in civil proceedings.
- 1.6 million proceedings across all case types in 2022-23 had no record created. This consisted of about 717,700 criminal proceedings (of which about 60 percent were infraction proceedings), nearly 22,700 juvenile proceedings (of which about

89 percent were dependency proceedings), and about 864,100 civil proceedings lacking records. For the civil proceedings lacking records, the most common proceedings lacking records were unlimited civil proceedings (44 percent), non-child support family law proceedings (33 percent), and probate proceedings (14 percent).

Availability of Court Reporters Has Created Operational Challenges. As noted above, the judicial branch estimates that only 62 percent of total court reporter need was met in 2022-23. However, the estimated need differs significantly by court. Based on data provided by trial courts, as well as conversations with stakeholders, the diminished availability of court reporter employees and private court reporters has presented the following key operational challenges:

- Staff Time and Resources Being Used to Manage Court Reporter Coverage. Trial courts frequently need to spend staff time and resources placing calls to find private court reporters to cover planned and unplanned absences as well as any increased demand (such as if more criminal cases than expected are going to trial). They also must routinely spend staff time assigning court reporters to different courtrooms multiple times in a day. For example, a court reporter covering a calendar which ends before noon may then get assigned to another courtroom to provide coverage on another calendar or a particular case. Similarly, staff must spend time facilitating the presence of private court reporters hired by attorneys and litigants to cover specific cases. For example, when multiple private court reporters are present in a single courtroom for a particular calendar, court staff must dedicate time to scheduling the proceeding to accommodate them (such as to ensure that they can be physically or remotely present to make a record of the proceedings).
- Delays and Changes to Court Schedules and Calendars. Courts also can be forced to adjust schedules and calendars to account for the availability of court reporters. This can include starting a calendar later as well as delaying or continuing cases. Courts indicate that Jameson cases are examples of key cases that may get continued or delayed if court reporters are not available.
- Competition Between Courts for Court Reporters. The decline in court reporter employees has led to courts competing with one another to hire court reporters. Our understanding from conversations with stakeholders is that this has prompted differences in the amount of benefits (such as signing bonuses) offered to incentivize court reporters to be employed directly by the trial courts (which we discuss in more detail below) as well as the total compensation packages offered by trial courts. Additionally, key stakeholders indicated that the rates paid to private court reporters to provide coverage have also increased over time. Since private court reporters are able to choose whether they accept a particular assignment or not, differences in the amounts courts are willing to pay can also result in courts competing with one another for private court reporter services. In conversations with stakeholders, it appears that court reporters are generally aware of the compensation offered by courts—as well as how courts generally use and treat their court reporters.

• Pay for Non-Court Reporting Positions. Based on conversations with stakeholders, certain court administrators are considering how court reporter compensation compares to compensation for other positions within the court (such as managers or information technology administrators). Some concern was expressed that increases in court reporter compensation caused by competition for court reporters could result in their pay exceeding those of managers and other professional classifications. This could put pressure on administrators to increase compensation for those positions—and thus overall operational costs.

TRIAL COURT SPENDING ON COURT REPORTERS

Amount Spent by Trial Courts to Support Court Reporter Services

More Than \$200 Million in Estimated Court Reporter Expenditures Annually. The judicial branch estimates that more than \$200 million is spent annually on court reporters or to create a record in trial court proceedings. (This does not include the \$30 million provided annually beginning in 2021-22 to increase court reporters in family and civil cases, which are discussed later in this letter.) As shown in Figure 9, an estimated \$237 million was spent on such services. Of this amount, \$214 million was estimated to be spent on court reporter services—\$209 million budgeted for court employees and \$5 million actually spent on private contract services. (Due to information technology system constraints, the judicial branch was not able to provide data on the specific amount actually spent on court employees.) The remaining \$23 million was spent on transcript costs as well as costs related to electronic recording. Between 2020-21 and 2022-23, the amount spent on court employees has decreased, while the amount spent on contract services as well as transcripts and electronic recording has increased.

| Estimated Amount Spent on Greating a Record® | Court Re | porters a | and |
|--|-----------|-----------|-----------|
| (In Millions) | | | |
| | 2020-21 | 2021-22 | 2022-23 |
| Court employees (budgeted) | \$227.1 | \$221.8 | \$209.1 |
| Contract services (actuals) | 2.8 | 3.8 | 5.1 |
| Subtotals | (\$229.9) | (\$225.6) | (\$214.1) |
| Transcripts and electronic recording (actuals) | \$12.7 | \$18.0 | \$22.6 |
| Subtotals | (\$12.7) | (\$18.0) | (\$22.6) |
| Totals | \$242.7 | \$243.5 | \$236.8 |

Fees Authorized Only Offset a Portion of Civil Court Reporter Expenses. State law authorizes \$30 of certain civil filing fees be set aside as an incentive for courts to provide court reporters in civil proceedings. This funding is only available to trial courts who actually provide such services. (We note that Judicial Council has the authority to use these revenues to help support trial court operations.) Additionally, as noted above, state law generally requires a

\$30 fee be charged for proceedings lasting an hour or less and that actual costs generally be charged for proceedings lasting more than an hour in non-mandated civil proceedings. As shown in Figure 10, nearly \$22 million in fee revenue was collected from the authorized fees. Of this amount, \$18 million came from the share of filing fees set aside as an incentive to provide court reporter services in civil cases. The remaining \$4 million came from fees charged for non-mandated civil proceedings lasting less than one hour (\$2 million) and those lasting more than one hour (\$2 million). The judicial branch estimates that \$80 million was spent on providing court reporter services in civil proceedings generally in 2022-23. (We note that, because trial courts do not track court reporter time by individual case type, the judicial branch estimates that about 37.5 percent of court reporter time is spent on civil proceedings. This percentage was then applied to the total amount spent on court reporter services.) Accordingly, if this full \$22 million in fee revenue was used to offset court reporter costs in civil proceedings, it left a net cost of \$59 million to be supported by trial court operational funding.

| Figure 10 | | | |
|--|----------------------------------|----------------------------------|----------------------------------|
| About One-Quarter of Civil Court Repo | orter Costs Offset | by Fee Revenu | ıe |
| | 2020-21 | 2021-22 | 2022-23 |
| Estimated Offsetting Fee Revenue for Court Reporters | in Civil Proceedings | | |
| Share of certain civil filing fees Proceedings lasting more than one hour Proceedings lasting less than one hour Subtotals | \$16.7 2.1 3.7 (\$22.5) | \$16.0 2.0 3.3 (\$21.3) | \$17.5 1.9 2.1 (\$21.5) |
| Civil Costs Not Offset by Fees | | | |
| Estimated costs of court reporters in civil cases Estimated offsetting revenue Net Cost | \$86.2 22.5 \$63.7 | \$84.6 21.3 \$63.3 | \$80.3 21.5 \$58.8 |

Impact of Dedicated Funding for Increasing Court Reporters in Family and Civil Proceedings

State Provided Funding to Increase Court Reporters in Family and Civil Law Proceedings. Beginning in 2021-22, the state budget has annually included \$30 million from the General Fund to be allocated by Judicial Council to the trial courts to increase the number of court reporters in family and civil law proceedings. The budget prohibits the funding from supplanting existing monies used to support court reporter services in such cases and required any unspent monies revert to the General Fund. Judicial Council allocated the funding to individual trial courts proportionately based on the level of judicial workload in noncriminal cases, but ensured that the smallest courts received a minimum of \$25,000 in order to be able to support a 0.25 FTE court reporter position.

Amount Reverted Initially High, but Now Declining. As shown in Figure 11 on the next page, only \$1.1 million of this allocation (4 percent) was spent in 2021-22—resulting in the reversion of \$28.9 million (96 percent). In conversations with stakeholders, the lack of expenditures seems attributable to differences in the interpretation of budget bill language specifying how the monies could be used. The 2022-23 budget package included amended

budget bill language to provide greater clarification on how this dedicated \$30 million could be used. (This language is also included in the 2023-24 budget and in the proposed 2024-25 budget.) Under the amended language, trial courts are specifically authorized to use the money for recruitment and retention, filling existing vacancies, converting part-time positions to full-time positions, increasing salary schedules, and providing signing and retention bonuses in order to compete with the private market. As shown in Figure 11, the amount spent increased substantially to \$20.3 million of the allocation (68 percent) in 2022-23—resulting in the reversion of \$9.7 million (32 percent). Additionally, the number of courts making expenditures using this money increased from 8 courts in 2021-22 to 44 courts in 2022-23. Through the first half of 2023-24, 26 courts have already reported using a share of this funding.

| Figure 11 | | | | |
|---|---------------------------|----------------------------|------------------------------------|--|
| Amount of Dedicated \$30 Million Spent and Reverted | | | | |
| | 2021-22 | 2022-23 | 2023-24 (Through December 2023) | |
| Number of courts making expenditures | 8 | 44 | 26 | |
| Budget allocation Expenditures | \$30,000,000 1,125,140 | \$30,000,000 20,282,279 | \$30,000,000 3,634,589 | |
| Amount Reverted | \$28,874,860 | \$9,717,721 | _ | |

Amounts Spent on Similar Categories of Benefits. As shown in Figure 12, trial courts spent their monies in similar categories. In 2021-22, the most common expenditures were to increase existing employee salaries and to fill existing vacancies. In 2022-23, retention bonuses were the most common expenditure area.

| Amount of \$30 Million Spent by Area | | | |
|---|-------------|--------------|--|
| Category of Spending | 2021-22 | 2022-23 | |
| Increasing Existing Employee Salaries | \$278,661 | \$5,048,287 | |
| Filling Existing Vacancies | 976,523 | 3,920,621 | |
| Retention Bonuses | _ | 8,446,147 | |
| Signing Bonuses | 7,000 | 499,803 | |
| Recruiting | 18,878 | 346,966 | |
| Converting Part-Time Positions to Full-Time | _ | _ | |
| Other | 48,021 | 2,264,632 | |
| Totals | \$1,329,083 | \$20,526,456 | |

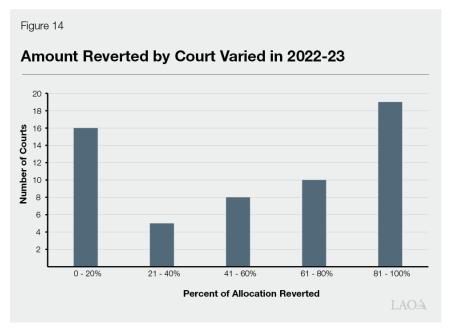
Specific Benefits Offered Vary by Court. As shown in Figure 13 on the next page, a number of courts are offering benefits in areas in which the \$30 million in dedicated funding can be spent. However, based on their needs, the local market for court reporters, and various other local factors (such as the cost of living), these offerings can look very different. For example, the Los Angeles court offered an up to \$50,000 signing bonus for a new full-time court reporter employee (with a specified amount payable after every six months) that remained employed for two years in

2023-24. This bonus is limited to the first 20 new FTE hires since it was first offered. In contrast, the Humboldt court offered a \$10,000 signing bonus paid in four equal installments over the first year of employment. Similarly, courts are offering various benefits based on their needs—which are captured in the "Other" category. Common expenditures in this area include finders/referral fees; professional, equipment, and technology stipends; tuition reimbursement for court reporting school; increased rates or services from private contractors; and other costs.

| Estimated Number of Court Offering Benefits by Area ^a | s | | |
|--|---------|------------|------------------------|
| Category of Spending | 2021-22 | 2022-23 | 2023-24 (Estimated) |
| Increasing Existing Employee Salaries | 4 | 24 | 19 |
| Filling Existing Vacancies | 8 | 14 | 13 |
| Retention Bonuses | _ | 28 | 17 |
| Signing Bonuses | 1 | 21 | 19 |
| Recruiting | 4 | 1 4 | 15 |
| Converting Part-Time Positions to Full-Time | _ | - | 1 |
| Other | 4 | 26 | 24 |

Amount Reverted by Court Varied in 2022-23. As shown in Figure 14 on the next page, the amount reverted by each trial court varied in 2022-23. Approximately 64 percent (37 trial courts) reverted more than 40 percent of their share of the \$30 million dedicated allocation. Various factors could account for why courts may have spent more or less of their allocation. For example, expenditures could have been delayed due to the need to obtain union approval to offer a particular benefit (such as to increase existing court employee salaries). In addition, whether costs are incurred from offering certain benefits (such as a signing bonus or court reporting school tuition reimbursement) depends on whether court reporters or others respond to the benefit. For example, a court that offers a signing or referral bonus will not incur expenditures if no one chooses to apply to become a court reporter at that court.

Allocation Benefited Mostly Existing Employees. In examining data provided by those courts who were able to report this level of data, it appears that the dedicated \$30 million allocation—when spent—benefited significantly more existing court reporter employees than new hires, as shown in Figure 15 on the next page. For example, over 90 percent the of the employees (996 FTEs) benefitted in 2022-23 were existing employees. Some of the benefits offered—such as increasing salaries for existing employees, retention bonuses, and longevity bonuses—are specifically targeted to existing court reporter employees. Delaying their departure helps prevent trial court need for court reporters from growing worse. However, the benefits offered to existing employees to encourage them to stay also likely benefit some employees who had no intention of leaving, meaning a portion of such expenditures do not directly increase the availability of court reporters. Other benefits offered—such as signing bonuses or increasing the starting salary for court reporters—are more targeted towards new hires. Such new hires can help reduce the number of court reporter vacancies at a court—directly increasing the availability of court reporters.



| Figure 15 | | | | | |
|---|---------|---------|---------|--|--|
| More Existing Employees Benefited From \$30 Million Dedicated Funding | | | | | |
| | 2021-22 | 2022-23 | 2023-24 | | |
| Number of Full-Time Equivalent Positions | | | | | |
| Existing employees | 185 | 996 | 871 | | |
| New hires | 27 | 82 | 54 | | |
| Totals | 212 | 1,079 | 926 | | |

Full Impacts of Benefits Offered by Courts Still Unclear. The full impacts of the benefits supported by the \$30 million in dedicated funding are still unclear. This is because the trial courts only began making use of this funding in a significant way in 2022-23 with 44 courts making expenditures. In addition, trial courts have been adapting what is being offered based on the responses they receive. For example, certain courts increased the amount they offered for certain benefits—such as bonuses and stipends—in order to attract more applicants and potential hires. As such, the impacts of these modified benefits may not yet be fully realized. Additionally, in conversations with stakeholders, the trial courts have also offered or are considering offering new types of benefits to potentially attract more court reporters. For example, we have heard that some courts are authorizing part-time court reporter positions and may be considering partnerships to help court reporter students (in particular voice writers) successfully complete their programs and pass the licensing examination. Some of these changes—such as authorizing part-time court reporter positions—may have limited fiscal costs but could have meaningful impact on court reporters. However, the full impacts of the benefits—some of which may be novel or creative—may not be observed until they are fully implemented and tested.

TRIAL COURTS COMPETING WITH PRIVATE SECTOR FOR COURT REPORTERS

Active In-State Licensees Exceed Trial Court Need

In 2022-23, California had 4,752 active, in-state, licensed court reporters. From a May 2023 DCA occupational analysis of court reporters, 41 percent of surveyed court reporters reported that their primary work environment was the court—roughly 1,948 individuals. In the same year, the judicial branch estimated 1,866 FTE court reporters would be needed to provide court reporters in all proceedings except infraction, misdemeanor, and limited civil proceedings and that 1,164 FTEs were currently providing service. While multiple individuals can comprise a single FTE, this gap suggests that there are a number of court reporters who predominantly provide service to the courts but are choosing not to be directly employed by the trial courts. This would include private court reporters who the courts contract with to provide services when court reporter employees are unavailable. Additionally, there are a number of licensees who are choosing to be employed by the private market and not work for the court system. In combination, this suggests trial courts could be having difficulty competing with the private market to procure court reporter services—thereby causing some of the operational difficulties including competition between trial courts, described above.

Three Key Factors Impacting Trial Court Ability to Compete With Private Sector

In conversations with various stakeholders, we identified three key factors that seem to be impacting trial courts' ability to compete with the private sector to attract court reporter employees. This then also creates competition between courts. We discuss each factor in more detail below.

Perception of Higher Compensation in Private Sector. There is a perception that compensation in the private sector is greater than in the trial courts as private court reporters particularly those who are hired by attorneys—are able to charge desired rates by case or proceedings. We have heard, for example, that this can result in a couple of thousand dollars being charged per day or even half-day. However, we note that it is difficult to fully compare compensation for trial courts' court reporter employees with those in the private market. Court reporter employees generally receive, in addition to their salary, health and other benefits, as well as retirement or pension benefits which are guaranteed for being available during a set period of time regardless of whether their services are needed. In contrast, while private court reporters are free to charge the rate they desire, they generally do not receive the same level of health, retirement, and other benefits as court reporter employees. Additionally, they are not paid if they do not work, sometimes including in cases where they have reserved time for a trial that does not occur (such as due to the case being settled at the last minute). (We note, however, that some private court reporters have negotiated cancellation charges to help partially offset such losses in compensation.) This means the rates that private court reporters charge must cover their benefits as well as time that is spent not being employed. As such, private court reporters have less stable income and work hours. Thus, while private court reporters may earn more per day they are working, some may ultimately be compensated less over the course of a year.

Accordingly, it difficult to assess whether the full compensation provided to court reporter employees is higher or lower than that earned by private court reporters.

Perception of Better Working Conditions in Private Sector. From conversations with stakeholders, working conditions are another key factor impacting whether court reporters choose to be court reporter employees at the trial courts or private court reporters. Court reporters hired by the court generally work for the entire business day physically in courtrooms. A number are no longer assigned to the same courtroom and/or judge and, as a result, are constantly moving between courtrooms—or even entire facilities (such as driving from one courthouse to another in a day)—as directed by court administration. They also generally do not have a choice in what proceedings they are assigned to create a record for. Busy calendars can also lead to court reporter employees having to keep up with the quick pace and length of the calendar. For example, stakeholders have expressed that court reporter employees new to the industry sometimes struggle to keep up. Some court reporter employees are also effectively required to prepare transcripts outside of their normal working hours because they are in court for most of the day. As noted above, court reporters separately charge for the preparation of transcripts meaning that some court administrators view this as work that should not be done during the business day, which is compensated via the court reporter's salary. In combination, stakeholders have indicated that this can make the work environment very stressful as well as physically and mentally draining. In contrast, private court reporters have much more flexibility in their working conditions. Most notably, private court reporters are able to pick and choose which courts they work in and what cases or proceedings they are willing to cover. This provides significant flexibility to determine how many hours they work, including the amount of time spent in the courtroom. Additionally, private court reporters are able to provide services remotely—which allows them to work at more courts and provides them with flexibility to maximize their working time that otherwise would be spent on travel. If they must be present in person, they are able to negotiate travel expenses as well. In combination, stakeholders indicate that this flexibility allows private court reporters to create the work environment they desire. Moreover, higher levels of autonomy can generally boost overall morale. As such, stakeholders indicated that this flexibility was of great enough importance that the trade-off of less guaranteed income and potentially less net total compensation in working was deemed worthwhile.

Trial Court Recruitment and Retention Activities Could Be Insufficient. It is unclear whether current trial court activities are sufficient to recruit (and retain) new court reporters in the trial courts. The trial courts need to be proactive at ensuring there is steady supply of court reporters willing to work for them as they are a major employer of court reporters and require them to provide litigants with due process in court proceedings. However, it appears that many licensed court reporters are currently unwilling to work for the trial courts. This is evidenced by the fact that the number of active in-state court reporter licenses exceeds trial court need yet the trial courts continue to indicate they have an unmet need. While the trial courts have recently become more actively engaged by offering the benefits discussed above, data suggest this seems to have had limited impact on bringing new hires to the courts in the short run. For example, the reported number of court reporter employees departing has continued to outpace the number being hired. As such, the trial courts may need to consider expanded or improved recruiting activities. For example, some sort of collaboration with schools or new hires to guarantee

employment or provide real-life practical experience could be utilized to recruit people to go to court reporting school as well as to increase the likelihood new court reporters succeed in the trial courts and choose to remain employed there. Similarly, targeted recruiting activities—such as by conducting a survey of what benefits or working conditions would be attractive enough for private court reporters to choose to become and remain public employees—would provide helpful insight to inform how trial court compensation or working conditions may need to be adjusted to recruit more individuals. Absent these increased targeted recruitment efforts, it will likely be difficult for trial courts to meaningfully compete with the private market for court reporter services and ensure their needs are met on an ongoing basis

KEY QUESTIONS FOR LEGISLATIVE CONSIDERATION

The data and information provided in conversation with stakeholders suggest that the trial courts are having difficulty obtaining and maintaining a sufficient number of court reporters. More importantly, this means that courts are also having difficulty providing a record in all of the proceedings that could benefit from it. Below, we provide eight key questions that would be important for the Legislature to answer when determining what action(s) should be taken should the Legislature decide to address these issues.

Is the Availability of Court Reporters in Trial Courts a Limited-Term or Long-Term Problem? The Legislature will need to decide whether the difficulty the trial courts are having to hire and retain sufficient court reporters is a limited-term or long-term problem. Given that voice writing has just been authorized, its full impact on the overall court reporter licensee population has yet to be realized. However, there are promising signs that voice writing may both increase overall court reporter licensees as well as court reporter availability in the trial courts. If the Legislature believes that there will be more court reporters in the near future, it can focus its actions on more immediate term fixes to address trial court difficulty in the short run. For example, the Legislature could temporarily authorize the use of electronic recording in more case types for a couple of years or temporarily allow for court reporters to appear remotely to increase their availability (as they would not need to travel between court locations). However, if the Legislature determines this is a longer-term issue (such as if it believes there will always be a robust and competitive private market), more structural changes in how trial courts employ and/or use court reporters may be necessary.

What Methods of Making a Record Should Be Permissible? The Legislature will need to decide what methods of making an official record should be permissible. This includes whether a record can be made by electronic recording, a court reporter provided by the court, or a private court reporter employed by an attorney or litigant. Under current law, electronic recording is limited to certain proceedings—though some courts have expanded its use in critical proceedings to ensure due process given the lack of available court reporter resources. Allowing for its expansion could help reduce the need to for court reporter services by the trial courts and increase the number of records that are made in the short run (such as if the expansion was granted for a short, defined period) or in the long run (such as if the expansion was indefinite). Expansion of electronic recording could also help improve due process and equity. This is because in the absence of a court reporter, a record will not be made unless an attorney or litigant

pays for their own court reporter. This means individuals who cannot afford a court reporter could end up lacking a record of their case, making it harder for them to appeal or to substantiate a claim before the Commission on Judicial Performance related to judicial misconduct. It could also reduce overall trial court operational costs as electronic recording generally has lower ongoing costs to operate and generate records. This is a notable benefit given the state's budget problem.

Should Court Reporters Be Allowed to Appear Remotely? State law has authorized the ability for judicial proceedings to be conducted remotely—including ones which involve court reporters. However, under existing law, court reporters provided by the courts are generally required to be present in the courtroom. In contrast, private court reporters contracted by the court, attorneys, or litigants may appear remotely. The Legislature may want to consider the trade-offs of having a court reporter being physically present in a courtroom versus being present remotely while creating the record. These trade-offs may differ by case type or proceeding. If there is not a substantial difference, allowing trial courts to use their court reporter employees remotely could free up more of their court reporters' time (such as by minimizing the need to travel), improve overall court operational efficiency, and improve working conditions for some court reporters. This could help improve recruitment and retention.

Should Court Reporter Resources Be Pooled Between Courts? Currently, individual courts hire court reporter employees and private court reporters to cover cases in their respective county. The ease of finding such coverage varies by court based on their geographic location and other factors. As such, the Legislature could review whether the pooling of court reporters between courts, such as regionally or statewide—would be appropriate. For example, the Legislature could determine that it would be appropriate to maintain a regional or statewide pool of court reporters to temporarily fill in for court reporter vacancies or absences (in a manner similar to the assigned judges program). This could help reduce or even eliminate the need for individual trial courts to constantly seek private court reporters to fill any coverage gaps. The Legislature could also consider even going further by pooling all court reporters statewide and allowing them to cover cases remotely on a regular basis rather than just to cover temporary vacancies. We note that doing so would minimize the competition between courts for court reporters. It could also provide greater flexibility to incorporate court reporter desires related to the number of hours worked and/or the types of proceedings they individually cover. However, this would likely require significant negotiations with unions as contracts with court reporters are currently established on a court-by-court basis.

Should the Courts Work With Court Reporting Schools or Others to Improve Recruitment and Retention? Because the courts are a major employer of court reporters in the state, the Legislature could consider whether there is a need for the courts to work more closely with court reporting schools, court reporters, or others (such as high schools) to recruit, train, and prepare people to work successfully in a trial court setting. This could include a stipend and/or tuition reimbursement offered while individuals are in school or training or after they have worked in the court for a certain number of years (similar to a loan repayment program). It could also include allowing court reporting students to intern in the courts, such as by practicing making

records and getting feedback from existing court reporters. Given the state's budget condition, however, new state funding to support such options is unlikely to be available in the near term.

How Many Court Reporters Do Trial Courts Need? As noted above, the judicial branch provided its estimated need for court reporter services assuming 1.25 FTE court reporters are needed per judicial officer, excluding the case types for which electronic recording is authorized. However, decisions made by the Legislature could change how many court reporters are needed. For example, the Legislature could (1) choose to expand electronic recording to certain case types (decreasing the need for court reporters), (2) match the number of court reporters to number of courtrooms in which court reporters are now necessary (which would be less than the 1.25 FTE per judicial officer), and (3) utilize a statewide pool of court reporters to cover for any temporary vacancies or absences. This would have the effect of reducing the number of court reporters needed by the trial courts. Depending on the specific choices made by the Legislature, more or less court reporter FTEs could be needed by the trial courts.

How Should Court Reporters Be Funded? The Legislature will want to consider how it wants to fund court reporters moving forward. Currently, support for court reporters is generally included as part of the funding for overall trial court operations. This means that funding can be used for other costs based on the priorities and needs of individual trial courts. If the Legislature determines that court reporter funding is of a high enough priority to segregate it to ensure it can only be used for that purpose, the Legislature could consider making it a specific line item in the budget. This would be similar to funding provided for court-ordered dependency counsel and court interpreters. We note that taking this step would be necessary if the Legislature chose to pool court reporter resources statewide. The Legislature could also consider the extent to which fees are used to support court reporter services. If higher fees are charged and more revenue is collected, it could help offset any increased costs from other changes intended to increase the availability of court reporters (like new recruitment programs). Alternatively, it could help reduce the General Fund cost of court reporting services, a notable benefit given the state's budget problem. The Legislature could also consider other changes, such as reducing or standardizing the fees charged, which could make access to court records more equitable. This could be difficult if the loss in fee revenue was backfilled with General Fund support given the state's budget condition, however. Finally, the Legislature may want to consider whether it makes sense to expand the use of the \$30 million originally provided to increase court reporters in family and civil proceedings to all proceedings. This is because trial courts will need to prioritize coverage in mandated proceedings first.

How Can Government Compete With the Private Market? The Legislature will want to consider the extent to which it is willing to compete with the private market and what actions it would like to take to do so. It may be difficult for the state to compete with the hourly or daily pay rate offered in the private market. As such, the Legislature could instead consider whether there are changes that could be made to working conditions to make court employment more attractive. For example, this could include allowing remote appearance, offering part-time employment, or allowing court reporters to work on transcripts during the business day. To address competition between courts, as well as the private market, the Legislature could also consider whether to standardize compensation either statewide or in regions of the state. For

example, judges across the state generally receive the same compensation. The Legislature could also consider the extent to which private court reporters hired by attorneys or litigants are permitted to make records in courts. Restricting access to the courts could encourage more private court reporters—particularly those that are already primarily working with the courts as private contractors—to become court reporter employees. However, it would require that the state take steps to ensure it attracts sufficient employees to no longer need to rely on private court reporters. This could include taking some of the steps we describe above, such as allowing remote appearance, increased work flexibility, or other options to improve working conditions. While it could also include increasing compensation, this could be difficult given the state's budget condition. Alternatively, the state could reduce its need for court reporters by authorizing more proceedings to be covered with electronic reporting. If the Legislature is not willing to take such steps, restricting private court reporter access to the trial court could worsen the problem if more court reporters depart and there is no access to court reporters.

We hope you find this information helpful. If you have any questions or would like to further discuss this issue, please contact Anita Lee of my staff at <u>Anita.Lee@lao.ca.gov</u> or (916) 319-8321.

Sincerely,

Gabriel Petek Legislative Analyst

Sali Peter

TAB 18





The Justice Gap:

The Unmet Civil Legal Needs of Low-income Americans

APRIL 2022



About the Legal Services Corporation

The Legal Services Corporation (LSC) was established by Congress in 1974 to promote equal access to justice. LSC operates as an independent 501(c)(3) non-profit corporation and currently serves as the nation's single largest funder of civil legal aid for low-income individuals. More than 90% of LSC's total funding is currently distributed to 132 independent non-profit legal aid programs with 877 offices across the country. LSC's mission is to help provide high-quality civil legal aid to low-income people. To learn more about LSC, please visit www.lsc.gov.

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Visit justicegap.lsc.gov

On LSC's justice gap study website, visitors can download and print the report, see videos about the justice gap and the impact of civil legal aid, learn more about the study's methodology, and access additional summaries of study findings related to the pandemic, U.S. regions, subpopulations of interest, and other topics.



Executive Summary

Low-income Americans do not get any or enough legal help for 92% of their substantial civil legal problems.



Low-income America

About 50 million Americans have household incomes below 125% of the poverty threshold – including more than 15 million children and nearly 8 million seniors.*



Civil legal needs

Civil legal needs typically involve securing and protecting basic needs, such as housing, education, health care, income, and safety.



The justice gap

The justice gap is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

 $*Data\ source: U.S.\ Census\ Bureau's\ Current\ Population\ Survey, 2021\ Annual\ Social\ and\ Economic\ (ASEC)\ Supplement.$

The 2022 Justice Gap Study

The Legal Services Corporation (LSC) is pleased to share findings from its 2022 Justice Gap Study. This study provides a fresh assessment of low-income Americans' civil legal needs and the extent to which their legal needs are met. Additionally, its timing allows an examination of the justice gap in the context of the COVID-19 pandemic, which has had disproportionate effects on this population. The study leverages LSC's "intake census" conducted among LSC-funded legal aid organizations as well as a nationally representative survey of more than 5,000 adults conducted by NORC at the University of Chicago using its AmeriSpeak® Panel.



The Prevalence of Civil Legal Problems

Most low-income households have dealt with at least one civil legal problem in the past year – and many of these problems have had substantial impacts on people's lives.

3 in 4 (74%) low-income households experienced 1+ civil legal problems in the past year.

2 in 5 (39%) experienced 5+ problems, and 1 in 5 (20%) experienced 10+ problems.



Most common types of problems: consumer issues, health care, housing, income maintenance.

1 in 2 (55%) low-income Americans who personally experienced a problem say these problems substantially impacted their lives – with the consequences affecting their finances, mental health, physical health and safety, and relationships.

Data source: 2021 Justice Gap Measurement Survey.

Seeking and Receiving Legal Help

Most low-income Americans do not get any or enough legal help for their civil legal problems – and the cost of legal help stands out as an important barrier.

1 in 4 problems: They seek legal help for only 1 out of every 4 (25%) civil legal problems that impact them substantially.

1 in 2 (46%) of those who did not seek legal help for one or more problems cite concerns about cost as a reason why.



1 in 2 (53%) does not know if they could find and afford a lawyer if they needed one.

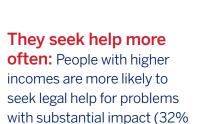
92% = survey-based justice gap: They do not get any or enough legal help for 92% of the problems that have had a substantial impact on them.

Data source: 2021 Justice Gap Measurement Survey.



Comparing Income Groups

Compared to low-income Americans, those with higher incomes have fewer barriers to getting legal help.*



vs. 25% of problems).

Their justice gap is smaller: They are less likely to go without any or enough legal help for problems with substantial impact (78% vs. 92% of problems).



They have better access:

They are more likely to be confident that they could find and afford a lawyer if they needed one (73% vs. 45%).

They believe in the system: They are more likely to believe that they can use the civil legal system to protect and enforce their rights (59% vs. 39%).

*These statements compare people at or above 400% of FPL with people at or below 125% of FPL. Data source: 2021 Justice Gap Measurement Survey.

Reports from the Field

LSC-funded organizations do not have enough resources to meet the current demand for civil legal aid in the communities they serve.*

1.9 million requests for help: Low-income individuals approach LSC-funded organizations for help with an estimated 1.9 million civil legal problems in a year.

1 in 2 requests turned away: These organizations must turn away 1 out of every 2 (49%) requests they receive due to limited resources.



1 in 2 problems fully resolved: Even when they can provide some assistance, these organizations have the resources to fully resolve only 1 out of every 2 (56%) problems.

1.4 million problems = intake-based justice gap. All in all, LSC-funded organizations are unable to provide any or enough legal help for an estimated 1.4 million civil legal problems (or 71% of problems) that are brought to their doors in a year.

*These statements are only about problems that are eligible for legal assistance from LSC-funded organizations. Data source: LSC's 2021 Intake Census.



Geographic Focus

West

11.1 million people below 125% of poverty.

72% of households had 1+ civil legal problems in the past year.

Midwest

9.2 million people below 125% of poverty.

75% of households had 1+ civil legal problems in the past year.

Northeast

7.4 million people below 125% of poverty.

74% of households had 1+ civil legal problems in the

past year.

South

22.2 million people below 125% of poverty.

75% of households

had 1+ civil legal problems in the past year.

Data sources: 2021 Justice Gap Measurement Survey and the U.S. Census Bureau's Current Population Survey, 2021 Annual Social and Economic (ASEC) Supplement.

Special Focus



Seniors

7.6 million seniors below 125% of poverty.70% of senior households had 1+ problems in the past year.



Veterans

1.6 million veterans below 125% of poverty.76% of veteran households had 1+ problems in the past year.



Children (<18 yrs)

15.2 million children below 125% of poverty.83% of households with children had1+ problems in the past year.



People in Rural Areas

8 million people below 125% of poverty in rural areas.

77% of rural households had 1+ problems in the past year.



People with High Housing Costs

15 million households with high housing costs have annual incomes below \$25,000.

84% of households with high housing costs had 1+ problems in the past year.



Survivors of Domestic Violence

98% of households with recent domestic violence had 1+ problems in the past year (in addition to their problems involving domestic violence).

Data sources: 2021 Justice Gap Measurement Survey and various other sources (see Section Two in full report).



Impact of the COVID-19 Pandemic

33% of low-income Americans experienced at least one civil legal problem linked to the COVID-19 pandemic in the past year.

The types of civil legal problems most likely to be attributed to the COVID-19 pandemic are those involving income maintenance, education, and housing.



Income maintenance

32% of income maintenance problems are pandemic-related.

Examples: difficulty accessing unemployment insurance or receiving COVID stimulus payments.



Education

31% of education problems are pandemic-related.

Examples: difficulty attending school or accessing technology to participate in virtual learning.



Housing

27% of housing problems are pandemic-related.

Examples: problems involving foreclosure, eviction, and safe living environments.

Additionally, the data suggest that income disparities in the justice gap between low- and higher-income Americans are exacerbated for pandemic-related civil legal problems. See Section Five for a fuller discussion of this noteworthy finding.

Data source: 2021 Justice Gap Measurement Survey.



Section 1

Introduction

Every day, millions of low-income Americans grapple with civil legal problems, which often involve basic needs like safe housing, access to health care, child custody, and protection from abuse. Most "go it alone" when dealing with these problems – without legal information, advice, or representation to help them resolve their problems in the civil legal system. The 2022 Justice Gap Study from the Legal Services Corporation (LSC) provides a fresh assessment of low-income Americans' civil legal needs and the extent to which they are met.

Introduction

The phrase "with liberty and justice for all" in the Pledge of Allegiance represents a fundamental ideal of this country. Yet, the reality of America's justice system does not live up to this ideal. The United States is facing an access-to-justice crisis that disproportionately impacts our society's most vulnerable. Despite our pledge of "with liberty and justice for all," it is still the case that one's access to justice in our nation too often depends on how much money one has.

In criminal cases, legal assistance is a right. Americans accused of a crime are given legal counsel if they cannot afford it. In contrast, one generally has no right to counsel in civil matters where people might risk losing their homes, livelihoods, health care, or children. Indeed, most low-income Americans must "go it alone" when grappling with civil legal matters – without access to legal information, advice, or representation to help them resolve the matter in our legal system. The result is an expansive "justice gap" – defined by the Legal Services Corporation (LSC) as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

The justice gap is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

This report shares findings from LSC's 2022 Justice Gap Study. The 2022 study provides a fresh assessment of low-income Americans' civil legal needs and the extent to which their legal needs are met. Its timing is particularly important because it allows us to consider the justice gap in the context of the COVID-19 pandemic, which has had disproportionate effects on this population. Additionally, this study sheds light on how low-income Americans' experiences seeking legal help compare with the experiences of Americans with higher incomes.

Background

Legal Services Corporation

Established by Congress in 1974, LSC is the single largest funder of civil legal aid for low-income individuals in the nation. Its mission is to promote equal access to justice in the United States and provide high-quality civil legal assistance to low-income individuals. LSC distributes more than 90 percent of its total funding to 132 independent nonprofit legal aid organizations with 877 offices across the United



States and its territories. These organizations provide legal assistance to low-income individuals grappling with civil legal problems related to basic needs, such as housing, health, employment, family, and safety.

LSC's Justice Gap Research

The 2022 Justice Gap Study is LSC's fourth justice gap study since 2005. LSC's first two studies (from 2005 and 2009) showed how limited resources make it impossible for LSC-funded legal aid organizations to meet all of the legal needs that low-income individuals bring to them. LSC's 2017 study explored the justice gap through a similar lens but did not stop there. That study also included a nationally representative survey of low-income American households to better understand people's experiences dealing with civil legal problems more generally – regardless of whether they seek legal help. LSC largely modeled the 2022 study after the 2017 study, but also expanded the design to include higher-income groups and additional topics.

Study Methodology

The 2022 study leverages two primary data sources: the 2021 Justice Gap Measurement Survey and LSC's 2021 Intake Census. We provide an overview of the methodologies used to produce the data below. Readers can find additional details about the study's methodology on the study website: justicegap.lsc.gov.

2021 Justice Gap Measurement Survey

LSC contracted with NORC at the University of Chicago (NORC) to conduct a survey of more than 5,000 U.S. adults using its nationally representative, probability-based AmeriSpeak® Panel. The survey included a sample of n=2,003 adults from households at or below 125% of the federal poverty level (FPL) and a sample of n=3,305 adults from households above 125% of FPL. To maximize representation, NORC administered the survey using two modes (telephone and web) and in two languages (English and Spanish). NORC fielded the survey for seven weeks from October 15 to December 4, 2021.

LSC's central objectives for the 2021 survey were twofold:

- Measure the prevalence of civil legal problems among low-income Americans, and
- Assess the extent to which low-income Americans receive the legal help necessary to resolve their civil legal problems.

Additionally, LSC designed the 2021 survey to also explore the impact of the COVID-19 pandemic on civil legal needs; identify potential barriers to seeking and receiving legal help; and evaluate differences in experiences across income groups.

The survey design included a flexible survey logic that allowed us to gather detailed



information about people's civil legal needs at three different levels: at the individual level, at the household level, and at the level of specific civil legal problems. Additionally, NORC's approach to sampling and statistical weighting ensures that estimates are representative at all three levels.

LSC's 2021 Intake Census

Consistent with its previous justice gap studies, LSC conducted an intake census among all LSC-funded legal aid organizations as part of this study. For the 2021 Intake Census, each organization tracked the requests for assistance that it received over a four-week period starting October 4, 2021. For each request meeting LSC eligibility requirements, organizations documented whether they were able to provide any legal help and, if so, whether it would be enough to resolve the problem. If they were unable to provide any legal help, they documented the reason why.

These data allow us to estimate the total number of eligible civil legal problems that low-income Americans bring to LSC-funded organizations over the course of a year. They also allow us to estimate the proportion of these problems that organizations are unable to serve fully or at all due to limited resources.

Additional Data Sources

The 2022 study also leverages three other (preexisting) data sources. Section Two of this report uses recent data from the U.S. Census Bureau to describe the low-income population in the United States. Wherever possible, we use estimates from the 2021 Annual Social and Economic Supplement (ASEC) of the Current Population Survey (CPS). In other cases, we use estimates from the 2019 American Community Survey (ACS). Finally, Section Six of this report uses information from recent LSC Grantee Activity Reports to describe some aspects of LSC-funded organizations' case activity.

This Report

Report Overview

The study's findings are organized into the following five sections:

Section 2: Today's Low-income America – Using recent data from the U.S. Census Bureau, this section describes the current low-income population in the United States. More specifically, it explores the size of this population, who is most likely to have household incomes at this level, and how this population compares with the general U.S. population.



Section 3: The Prevalence of Civil Legal Problems – Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on the prevalence of civil legal problems among low-income households, the types of problems they face, and how civil legal problems impact their lives.

Section 4: Seeking and Receiving Legal Help – Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on how often low-income Americans sought and received civil legal help in the past year, the types of legal help they sought, and potential barriers to seeking and receiving legal help.

Section 5: Comparing Income Groups – Leveraging the 2021 Justice Gap Measurement Survey's sample of households above 125% of FPL, this section compares the experiences of low- and higher-income Americans in seeking and receiving civil legal help. More specifically, it compares their likelihood to seek legal help, their likelihood to receive the help they need, and their potential barriers to getting help.

Section 6: Reports from the Field – This section looks at the justice gap through the lens of LSC-funded organizations' efforts to help address the civil legal needs of low-income individuals. Using data from LSC's 2021 Intake Census, this section estimates the number of problems that low-income individuals bring to LSC-funded legal aid organizations in a given year and the extent to which these organizations are able to help resolve these problems with the limited resources at their disposal.

Special Reporting Features

Each of the above-mentioned sections also includes the following special reporting features:

"Impact of the COVID-19 Pandemic" spotlights – These pages present findings that consider the relevant data and topics with respect to the circumstances surrounding the COVID-19 pandemic.

"Geographic Focus" snapshots – These pages present key findings by U.S. region. We follow the U.S. Census Bureau's conventions in grouping states into the following four regions: West, South, Midwest, and Northeast.²

"Special Focus" snapshots – These pages present key findings for six subpopulations of interest: seniors aged 65 years or older, veterans, people from rural areas, minor children aged 18 years or younger, survivors of domestic violence, and people facing high housing costs.³

Client stories – The report presents client stories throughout to help readers put the data in perspective of the very real challenges impacting people's livelihoods, families, safety, and general well-being.⁴ To protect the identity of clients, we do not use their actual names or photos.⁵



Important Notes

Terminology: In this report, "Americans" generally refers to adults living in the United States; in Section Two, it also includes children. We use "low-income" to describe anyone with a household income at or below 125% of FPL or below 125% of the poverty threshold. At times, we use "substantial problems" to refer to civil legal problems that survey respondents say impacted them substantially (i.e., "very much" or "severely").

Base sizes: Base sizes are noted in all charts and tables. Bases with fewer than 200 observations are marked with an asterisk (*).

Units of analysis: The units of analysis and sets of observations used for the estimates vary throughout the report. For example, some survey results are based on respondents (or their households), some are based on their civil legal problems, and others are based on subsets of respondents, households, or problems. Readers are encouraged to pay close attention to information describing the units of analysis and relevant sets of observations.

Comparisons with the 2017 study: Given differences in the design of the two studies, we caution against direct comparisons of precise estimates. ⁶ Comparisons of general magnitude are fine. Additionally, it is important to note that much of the analysis in this report focuses on the subset of civil legal problems that impacted people's lives substantially whereas the 2017 report focused on problems that had any degree of impact.

Study Findings in Brief

The findings of this study are consistent with LSC's 2017 study regarding the prevalence of civil legal problems among low-income Americans, their likelihood to seek legal help, and indicators of the justice gap based on survey and intake census data. With its expanded and improved design, this study goes beyond the 2017 study to also provide new insights regarding potential barriers to getting legal help, the role of the COVID-19 pandemic, and key differences between low-income Americans and those with higher incomes. Study findings are briefly summarized below.

Prevalence of Civil Legal Problems and Seeking Legal Help

This study finds that nearly three-quarters (74%) of low-income households have experienced at least one civil legal problem in the past year. Additionally, 38% of low-income Americans have personally experienced a civil legal problem that substantially impacted their lives in some way. Even for these "substantial" problems, they only sought legal help 25% of the time.

Concerns about the cost of legal help stand out as an important barrier to seeking legal help. Nearly one-half (46%) of those who did not seek legal help for one or more problems cite concerns about cost as a reason why. Additionally, more than one-half (53%) of low-income Americans doubt their ability to find a lawyer they could afford if they needed one.



Over the course of a year, low-income individuals will approach LSC-funded legal aid organizations for help with an estimated 1.9 million civil legal problems that are eligible for assistance. They will receive some legal help for 51% of these problems, but even then, they will only receive enough legal help to resolve their problem about one-half (56%) of the time.

The following key findings from this study speak to the magnitude of the justice gap in 2022:

- Low-income Americans did not receive any legal help or enough legal help for 92% of the problems that substantially impacted their lives in the past year.
- LSC-funded organizations are unable to provide any or enough legal help for 71% of the civil legal problems brought to them; this translates to an estimated 1.4 million problems over the course of a year.

Income Group Comparisons

This study has uncovered at least two interesting sets of insights related to differences in experiences by income. The first set relates to findings about differences in potential barriers to getting one's legal needs met. Compared to low-income Americans, we find that those at or above 400% of FPL tend to have more positive views of the civil legal system and how it can help people like them. Additionally, we find that people at or above 400% of FPL are much more confident in their ability to find and afford a lawyer if they needed one.

The second set relates to income disparities evident in the survey-based measure of the justice gap. When it comes to problems that do not have much impact, this measure of the justice gap is similar across income groups, with people not receiving any or enough legal help for 93% to 94% of these problems. An income disparity emerges, however, when we look at problems with substantial impact. For those at or above 400% of FPL, the estimated justice gap shrinks significantly (93% versus 78%) while it essentially stays the same for low-income Americans (94% versus 92%).

Civil Legal Problems Related to the COVID-19 Pandemic

This study finds that one-third (33%) of low-income Americans experienced at least one civil legal problem related to the COVID-19 pandemic in the past year. Among those most likely to experience a pandemic-related problem are those from households with children, single parents, renters, and/or someone struggling with a substance use disorder. Additionally, low-income Americans report that most of their collective problems involving unemployment benefits and eviction are related to the pandemic in some way. Finally, we find that income disparities in the justice gap are exacerbated for civil legal problems related to the COVID-19 pandemic.





Section 2

Today's Low-income America

Typically, legal aid organizations can use LSC funds only to serve the legal needs of people with household incomes at or below 125% of the federal poverty level. These people make up the set of "low-income Americans" of central focus in this report. To provide a fuller picture of this population, this section offers a glimpse of who today's low-income Americans are. Using recent data collected by the U.S. Census Bureau, it explores how many Americans have low household incomes, where they live, and how they compare with the general U.S. population.



ABOUT THE DATA: This section leverages two U.S. Census Bureau data sources. Whenever possible, we use the 2021 Annual Social and Economic Supplement (ASEC) of the Current Population Survey (CPS) because it is the most current data available – providing poverty estimates based on 2020 income and household information. We use the 2019 American Community Survey (ACS) 1-year Estimates where 2021 CPS ASEC data are not available.

The income categories in these two data sources are based on the U.S. Census Bureau's poverty thresholds. Note that poverty thresholds are different from the poverty guidelines published by the U.S. Department of Health and Human Services, which are used to determine one's percent of federal poverty level (FPL) and eligibility for LSC-funded legal assistance. Please also note that the U.S. Census Bureau reports on household incomes below 125% of the poverty threshold rather than household incomes at or below 125% of FPL (which is how income eligibility for LSC-funded services is defined).

Some additional data sources are used for the "Special Focus" populations at the end of this section; we note these accordingly. The unit of analysis in this section is individuals.

About 50 million Americans have household incomes below 125% of the poverty threshold, including more than 15 million children.

In 2022, household incomes below 125% of the poverty threshold ("of poverty" hereafter) correspond to annual incomes below \$34,500 for a family of four or \$17,500 for an individual.⁷ Fifteen percent of Americans live in households with annual incomes below these levels. This translates to approximately 50 million low-income Americans, including approximately 15.2 million children (<18 years old).

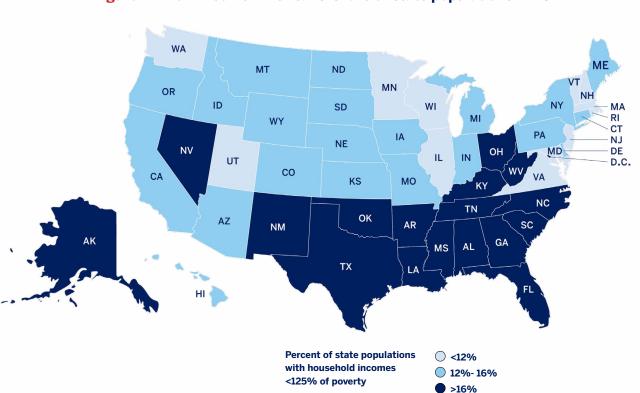


Figure 2A. Low-income Americans' share of state populations in 20218

As Figure 2A depicts, low-income Americans make up larger shares of some states' populations than others. The states with the highest proportions of low-income residents include Mississippi (24%), New Mexico (23%), Louisiana (21%), and Oklahoma (20%). If we look at population counts (instead of proportions), the states with the largest populations naturally stand out as having the highest numbers of low-income residents. For example, California alone has about 5.9 million low-income residents, Texas has about 5.4 million, Florida has about 3.9 million, and New York has about 3 million.

About 50 million Americans have household incomes below 125% of the poverty threshold.

People living in rural areas are more likely to have low household incomes than people in other areas.

Most Americans live in suburban or urban areas,⁹ and those with low incomes are no exception. Combined, suburban and urban areas are home to approximately 42 million low-income people whereas only about 8 million low-income people live in rural areas. Note, however, that this low population count for rural low-income Americans is driven by the fact that not many Americans live in rural areas more generally. As a matter of fact, people living in rural areas are actually more likely than others to have low incomes: 19% of the rural population has a household income below 125% of poverty compared to 15% of the combined suburban/urban population.¹⁰

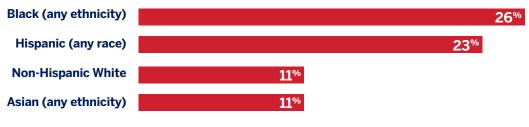
Compared to non-Hispanic Whites, Blacks and Hispanics are more than twice as likely to have household incomes below 125% of poverty.

As Figure 2B shows, Blacks and Hispanics are much more likely to have low incomes compared with non-Hispanic Whites and Asian Americans. Indeed, more than one-quarter (26%) of all Blacks and nearly one-quarter (23%) of Hispanics live in households with incomes below 125% of poverty.



That said, given the relative sizes of the racial and ethnic groups in the United States, the low-income, non-Hispanic White population (~21.4 million) far outnumbers the size of the low-income populations among Hispanics (~14 million), Blacks (~11 million), and Asian Americans (~2.3 million).

Figure 2B. Proportion of racial/ethnic groups with household incomes below 125% of poverty 11

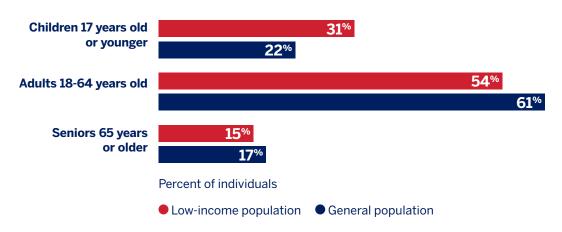


Percent of U.S. racial/ethnic populations

One in five American children lives in a low-income household.

More than one-fifth (21%) of all American children live in households with incomes below 125% of poverty. This translates to about 15.2 million children in total. Additionally, children are disproportionately represented in the low-income population compared to the general population. See Figure 2C which presents the distribution of children under 18 years old, adults between 18 and 64 years old, and seniors (65 years or older) for the low-income and general populations in the United States. As the figure shows, children make up a nearly one-third (31%) of the lowincome population but less than one-quarter (22%) of the general population.

Figure 2C. Distribution of age: low-income versus general U.S. population¹²



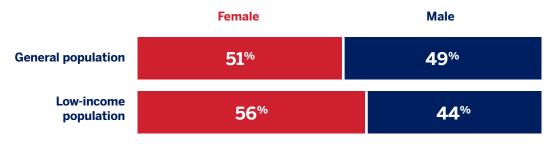


21% of children in the U.S. live in households with incomes below 125% of the poverty threshold.

Low-income women and girls outnumber low-income men and boys in the United States.

There are approximately 5.7 million more women and girls with low incomes than men and boys. There are roughly 27.8 million women and girls, and roughly 22.1 million men and boys who live in low-income households. These numbers reflect the fact that women and girls are disproportionately represented in the low-income population (which is 56% female) compared to the general population (which is 51% female). See Figure 2D. Additionally, it is worth noting that a majority (58%) of all the low-income households with children are headed by single women. ¹³

Figure 2D. Distribution of males and females: low-income versus general U.S. population¹⁴



Percent of individuals

Client Story

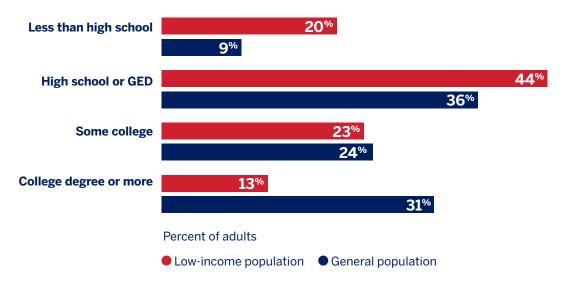


Cathy • Georgia • Eviction. Cathy's financial troubles began when work reduced her hours at the beginning of the pandemic. She was already behind on bills when she was involved in a car accident that left her injured so badly that she could no longer work. She eventually got so far behind that she faced a monthly threat of eviction. The Atlanta Legal Aid Society connected Cathy to a local rental assistance program that helped her pay back rent and also helped her secure Social Security Disability Insurance benefits to pay for food and other necessities.

Compared to the general adult population, low-income adults are disproportionately less likely to have a college degree and more likely to have never graduated high school.

Figure 2E presents the distribution of educational attainment for the general and low-income adult (18 years or older) populations in the United States. As the figure shows, one in five (20%) low-income adults has less than a high school education (or equivalent), which is more than twice the rate for the general adult population (9%). In the same vein, only 13% of low-income adults have a college education compared with 31% of the general adult population.

Figure 2E. Distribution of education: low-income population versus general U.S. population¹⁵





Impact of the COVID-19 Pandemic

The COVID-19 pandemic has had devastating and disproportionate effects on low-income Americans.

In addition to the direct health impacts of the COVID-19 virus on low-income families and communities, ¹⁶ the pandemic has also had unprecedented consequences for their economic situations, housing security, mental health, physical safety, food security, access to education, and many other aspects of their lives. ¹⁷

To provide a sense of some of the challenges low-income Americans still face a full two years into the pandemic, we share some results from the U.S. Census Bureau Household Pulse Survey's most recent week of data collection at the time of writing this report (Week 43: March 2 - 14, 2022). The statistics below correspond to people with annual household incomes less than \$25,000.



Finances

23% of low-income households lost employment income in the previous four weeks.



Food Security

26% of low-income households did not always have enough food to eat in the previous week.



Housing

18% of low-income renter households were behind on rent payments.

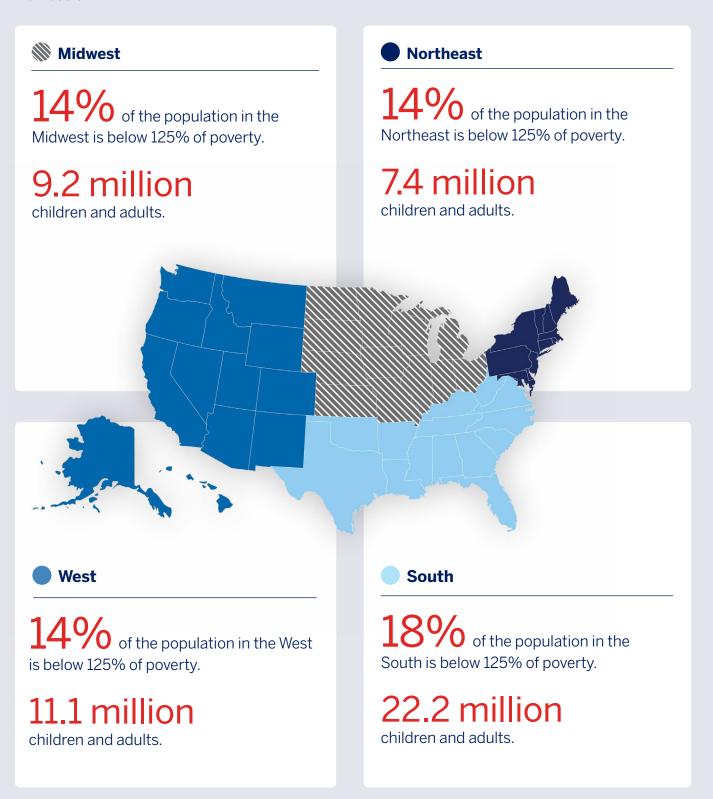


Mental Health

36% of low-income adults experienced anxiety symptoms on seven or more of the previous 14 days.

GEOGRAPHIC FOCUS

This snapshot presents estimates for the proportion of populations with household incomes below 125% of poverty for each of the four Census regions in the United States. All estimates come from the Current Population Survey (CPS) 2021 Annual Social and Economic Supplement (ASEC). The unit of analysis is individuals.



SPECIAL FOCUS

This snapshot presents estimates for the proportion of populations with household incomes below 125% of poverty for each of the six subpopulations of special interest in this report. With the exception of the estimate for survivors of domestic violence, all estimates come from recent U.S. Census Bureau data sources.²⁰ The unit of analysis is individuals.



7.6 million

seniors have household incomes below 125% of poverty.



People in Rural Areas

8 million

people living in rural areas have household incomes below 125% of poverty.



1.6 million

veterans have household incomes below 125% of poverty.



People with High Housing Costs

15 million

households with high housing costs have annual household incomes of less than \$25,000.



15.2 million

children live in households with incomes below 125% of poverty.



Survivors of Domestic Violence

The rate of intimate partner violence for women is nearly 3 times higher among those in the lowest income quartile versus those in the highest.



Section 3

The Prevalence of Civil Legal Problems

A significant majority of low-income American households have faced at least one civil legal problem in the past year, and most have had to deal with multiple problems. These problems typically relate to essential needs like housing, health care, and providing for their families. Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on the prevalence of civil legal problems among low-income households, the most common types of problems they face, and the impact these problems have on their lives.



ABOUT THE DATA: The findings presented in this section come from the Justice Gap Measurement Survey conducted at the end of 2021 and are based on that survey's nationally representative sample of low-income households. The survey presented respondents with an extensive list of problems that typically raise justiciable civil legal issues ("civil legal problems" henceforth) and asked them to indicate whether they and/or anyone else in their household had experienced each problem in the past 12 months. The survey explored a total of 81 distinct problems, which are grouped into 10 categories for the purposes of this report. Respondents' answers about their and other household members' experiences make it possible to estimate how common various civil legal problems are at the household level. The primary unit of analysis in this section is households.

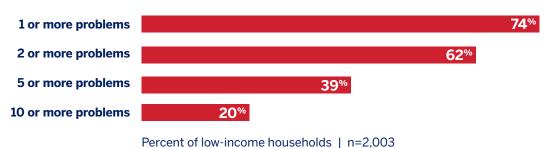
Prevalence of Civil Legal Problems

Most low-income American households faced one or more civil legal problems in the past year.

The 2021 Justice Gap Measurement Survey assessed the prevalence of 81 distinct civil legal problems among low-income households. The results indicate that an estimated 74% of low-income households experienced at least one civil legal problem in the past year - with many households dealing with multiple problems. As Figure 3A shows, about three in five (62%) households experienced two or more problems, about two in five (39%) experienced five or more, and a shocking one in five (20%) of all low-income households experienced 10 or more problems in the past year.

74% of low-income households experienced at least one civil legal problem in the past year.

Figure 3A. Number of civil legal problems experienced by low-income households in the past year²¹

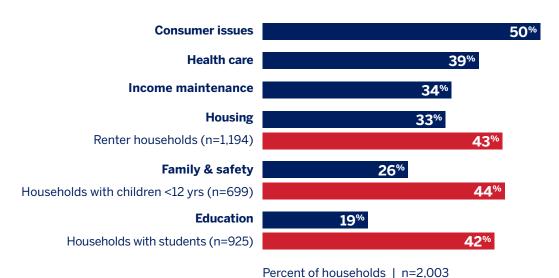


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Types of Civil Legal Problems

Figure 3B presents the prevalence rates for the six most common types of civil legal problems among low-income households. The dark blue bars correspond to the proportion of all low-income households that experienced a given type of problem. The occasional red bars correspond to subpopulations of particular interest for a given type of problem. For example, the chart shows the percent of all low-income households that experienced a housing-related problem (33%) as well as the percent of renter households that experienced this type of problem (43%).

Figure 3B. Percent of low-income households experiencing common types of civil legal problems²²



Client Story



Barbara • Pennsylvania • Domestic Violence. Barbara's ex-husband was abusing their two children. She had a protection order against him for herself, but she could not get the authorities to believe her about the child abuse. She spent all of her savings and her parents' savings to pay for a private attorney to help her case, but she eventually ran out of money. Meanwhile, the abuse continued. Eventually, a women's crisis shelter connected Barbara to Neighborhood Legal Services Association, who helped her successfully build a case to demonstrate the abuse and protect her children.

The two most common types of civil legal problems among all low-income households relate to consumer issues and health care.



Consumer issues. One-half (50%) of low-income households experienced a problem related to consumer issues. Common problems in this area include difficulties with medical debt (affecting 26% of all low-income households), having utilities disconnected (18%), dealing with harassment from creditors (16%), and falling victim to a scam (15%).



Health care. Nearly two in five (39%) low-income households experienced a problem related to health care in the past year. Common problems in this area include difficulty getting insurance to cover needed health care (affecting 20% of all low-income households), being billed incorrectly for medical services (16%), and difficulty accessing necessary health care from providers (12%).

Other common types of civil legal problems relate to essential needs, such as income maintenance, housing, education, and family and safety.



Income maintenance. More than one-third (34%) of all low-income households experienced a problem related to income maintenance in the past year. These problems center on people's difficulty accessing benefits to supplement their income and meet their household's basic needs. Common problems in this area include difficulty accessing food stamps and Temporary Assistance to Needy Families (TANF) (affecting 17% of all households), difficulty with their COVID stimulus payment (16%), and difficulty claiming or keeping unemployment benefits (13%).

43% of low-income, renter households experienced at least one civil legal problem related to housing in the past year.



Housing. One-third (33%) of all low-income households experienced a civil legal problem related to housing in the past year. As Figure 3B on the previous page shows, renter households are disproportionately likely to experience these types of problems. Indeed, 43% of renter households experienced a housing problem in the past year (compared to 23% of homeowner households;²³ result not shown in chart). Common problems among renter households include a landlord failing to keep the property in good repair (affecting 26% of renter households), falling behind on rent or being threatened with eviction (18%), and disputing the terms of a lease (18%).





Family and safety. About one-guarter (26%) of all low-income households have experienced at least one problem related to family matters or personal safety. The prevalence is significantly higher among households with children under 12 years old (44%). The most common problems across all households in this area include experience with domestic violence (affecting 10% of all households), problems collecting or paying child support (9%), and separation or divorce (9%).



Education. Nearly one in five (19%) low-income households has experienced a civil legal problem related to education in the past year. When we look solely at households with a student in school, this incidence rate more than doubles to 42%. Common problems among households with a student in school include difficulty attending remote classes due to lack of technology (affecting 21% of these households), inadequate supplies or equipment for school (17%), and inadequate protection from threats or harassment from other students (17%).

Table 3A. Additional types of civil legal problems experienced by low-income households²⁴

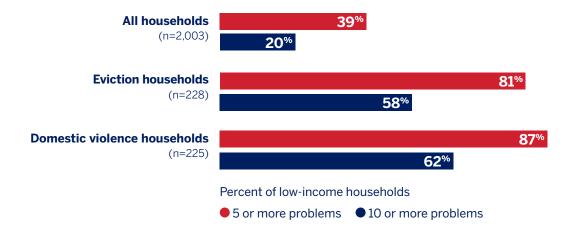
| Туре | Prevalence | Example problems |
|------------------|------------|--|
| Employment | 23% | Unsafe working conditions, unfair or discriminatory treatment in the workplace, and difficulty getting paid for work |
| Official records | 16% | Difficulty obtaining government- issued documents and expunging something from a criminal record |
| Wills & estates | 14% | Setting up an advance medical directive, will, or power of attorney |
| Disability | 10% | Difficulty accessing services and experience with abuse |
| n=2,003 | | |

Vicious Cycle of Civil Legal Problems

Households that experienced issues with eviction or domestic violence are disproportionately more likely to face multiple problems.

Consistent with other research about the dynamics of poverty and civil legal issues, the 2021 Justice Gap Measurement Survey finds that households that have to deal with certain types of issues tend to encounter even more problems. ²⁵ This pattern can feed a vicious cycle of civil legal problems that is difficult to interrupt without legal help. The survey data point to two poignant examples of this dynamic: households that have dealt with issues related to eviction and/or domestic violence are disproportionately more likely to have experienced multiple problems in the past year. See Figure 3C below. ²⁶

Figure 3C. Prevalence of civil legal problems for low-income households facing eviction and domestic violence²⁷





The Impact of Civil Legal Problems

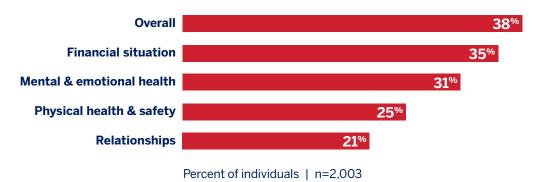
In the past year, more than one-third of low-income Americans experienced a civil legal problem that substantially impacted their lives.

We consider a problem's impact to be "substantial" if the respondent says the problem affected them "very much" or "severely" (as opposed to "moderately," "slightly," or "not at all"). The survey finds that more than one-third (38%) of low-income Americans personally experienced at least one civil legal problem that has had a substantial, negative impact on their household overall.

Figure 3D presents the percent of low-income Americans who experienced civil legal problems with a substantial negative impact in various aspects of their lives. As the figure shows, the most common impacts were on finances and mental health. Indeed, 35% report substantial impacts on their household's financial situation, and 31% report the same for their or other household members' mental and emotional health.

35% of all low-income Americans experienced a problem that has substantially impacted their household's financial situation in the past year.

Figure 3D. Percent of low-income Americans experiencing civil legal problems with substantial impacts in various aspects of their lives²⁸



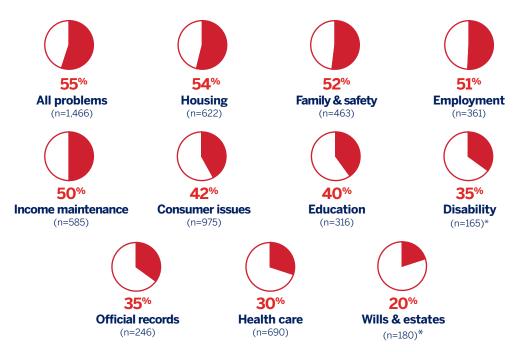


Problems relating to housing, employment, income maintenance, and family and safety stand out as the most impactful types of problems overall.

Narrowing our focus to only those low-income Americans who personally experienced problems in the past year (as opposed to all low-income), we see that more than one-half (55%) say at least one of their problems substantially impacted their lives overall. Some types of problems tend to impact people more than others. Figure 3E shows the percent reporting a substantial negative impact among those who personally experienced various types of problems. At least one-half of those personally affected by the following types of problems reported a substantial impact on their lives: housing (54%), family and safety (52%), employment (51%), and income maintenance (50%).

Civil legal problems had a substantial negative effect on **55%** of those who personally experienced a problem in the past year.

Figure 3E. Percent of low-income Americans experiencing substantial impacts from civil legal problems, by problem type²⁹



Percent of low-income individuals who personally experienced at least one problem in a given category
*Small base size



Impact of the COVID-19 Pandemic

One-third (33%) of all low-income Americans personally experienced at least one civil legal problem related to the COVID-19 pandemic in the past year.

This translates to nearly one-half (47%) of all the low-income Americans who experienced one or more problems overall. Those most likely to experience a COVID-related problem track with our common understanding of who has been most affected by the pandemic. Among those that experienced at least one problem in the past year, those most likely to attribute their problems to the pandemic come from the following types of households: household in which someone struggles with substance use disorder (SUD) (64% attribute at least one of their problems to the pandemic), single-parent households (57%), households with children <12 years old (57%), and renter households (51%). See Figure 3F.

Figure 3F. Percent of low-income Americans attributing recent civil legal problems to the pandemic, by household characteristics³⁰

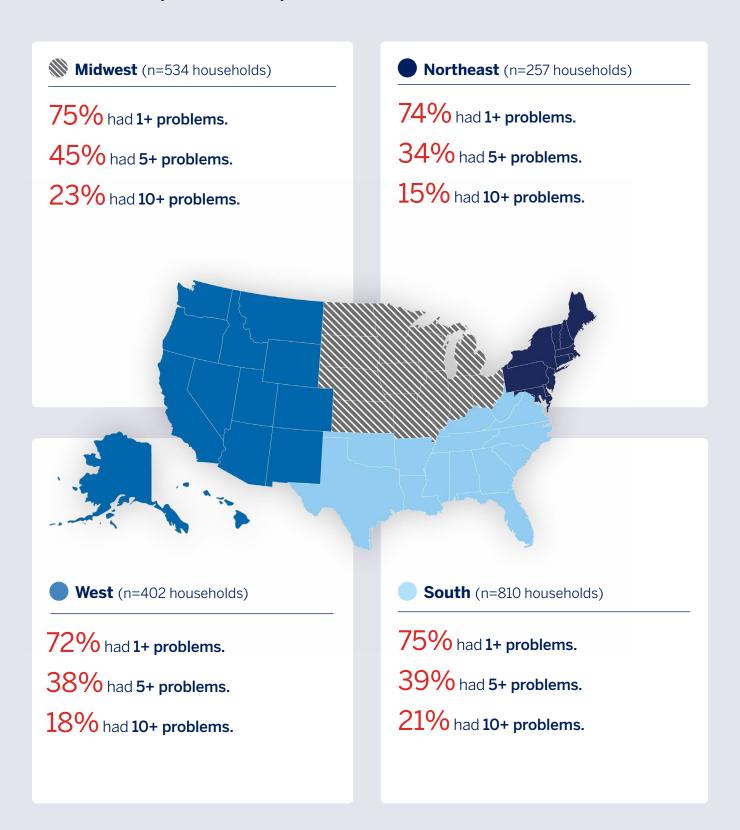


Percent of low-income individuals who experienced at least one problem

The types of problems people are most likely to blame on the pandemic also track with our common understanding of how the pandemic has affected people. For example, respondents attribute nearly one-third (32%) of all their income maintenance problems to the pandemic, 31% of their education problems, and 27% of their housing problems. Looking at specific problems, more than one-half of low-income Americans attribute their problems related to unemployment benefits (52%) and eviction (56%) to the pandemic.

GEOGRAPHIC FOCUS

This snapshot presents the percent of low-income households in each region that experienced 1 or more, 5 or more, and 10 or more problems in the past year. All estimates come from LSC's 2021 Justice Gap Measurement Survey.³¹ The unit of analysis is households.



SPECIAL FOCUS

This snapshot presents the percent of low-income households for each subpopulation of interest that experienced 1 or more, 5 or more, and 10 or more problems in the past year. All estimates come from LSC's 2021 Justice Gap Measurement Survey. 32 The unit of analysis is households.



Senior Households (n=593)

70% had 1+ problems.

31% had 5+ problems.

14% had 10+ problems.



Rural Households (n=419)

77% had 1+ problems.

40% had 5+ problems.

23% had 10+ problems.



Veteran Households (n=242)

76% had 1+ problems.

44% had 5+ problems.

27% had 10+ problems.



Households with High Housing Costs (n=826)

84% had 1+ problems.

49% had 5+ problems.

26% had 10+ problems.



Households with Children (<18 yrs)

(n=889)

83% had 1+ problems.

52% had 5+ problems.

30% had 10+ problems.



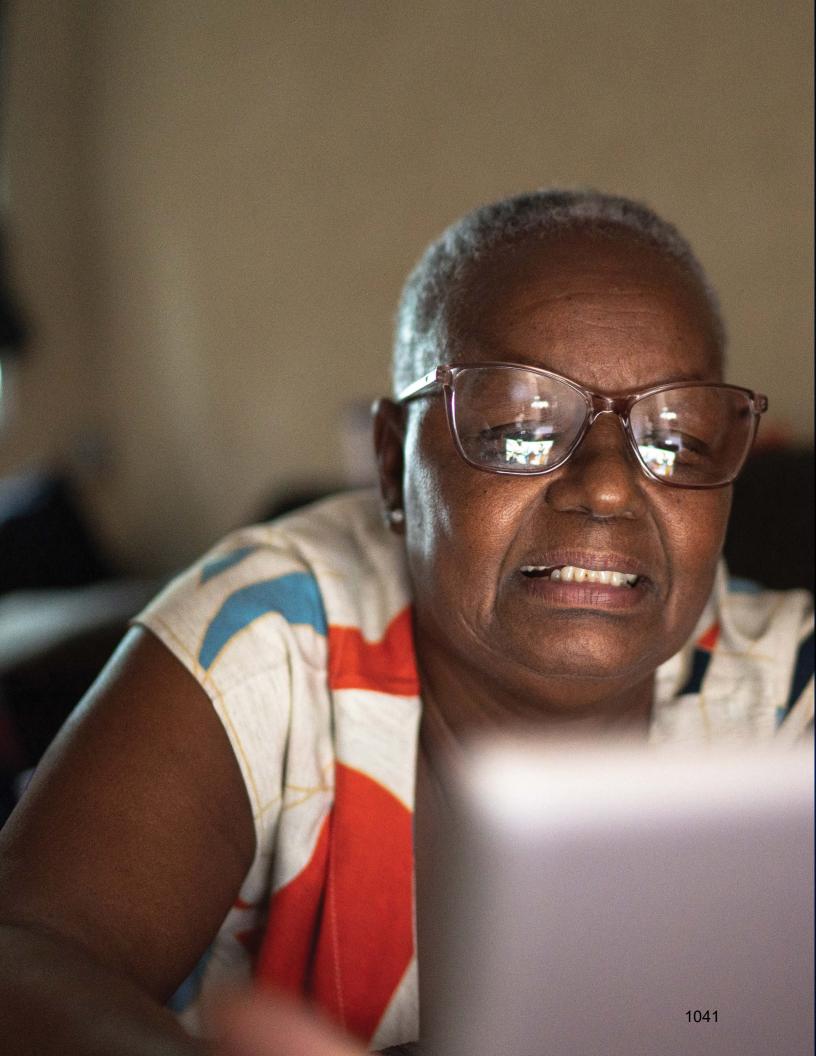
Households with Recent Domestic Violence* (n=225)

98% had 1+ problems.

87% had 5+ problems.

62% had 10+ problems.

*These estimates exclude problems related to domestic violence



Section 4

Seeking and Receiving Legal Help

While a significant majority of low-income Americans faced at least one civil legal problem in the past year, they rarely sought legal help. And even when they sought legal help, they typically did not get as much help as they needed. Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on how often low-income Americans sought and received legal help in the past year, the types of legal help they sought, and potential barriers to seeking and receiving legal help.



ABOUT THE DATA: The 2021 Justice Gap Measurement Survey asked respondents to provide details about their experiences seeking and receiving legal help for problems they had personally experienced in the past year. The survey only asked for detail on problems that had a negative impact on respondents' lives overall (i.e., negatively affected them "slightly," "moderately," "very much," or "severely" overall); the survey did not ask for detail on problems that affected respondents "not at all."

The vast majority of respondents (92%) personally experienced 10 or fewer problems that impacted their lives to some extent, and these respondents were asked to provide details for all of these problems. In the case that respondents experienced more than 10 problems that impacted their lives, the survey selected a subset of 10 of their problems about which to ask details. To maximize the potential for learning about problems relating to veterans, disabilities, housing, and family issues, these types of problems were given priority for inclusion if they met the other criteria.

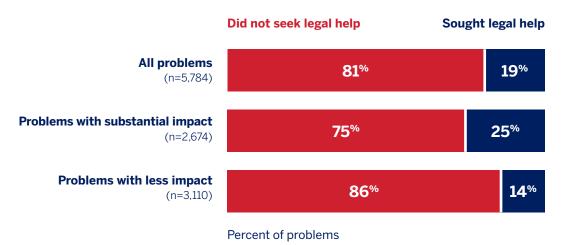
The primary unit of analysis in this section is problems.³³ The focus is exclusively on problems that respondents personally experienced (i.e., excluding problems experienced by other household members) and problems that negatively impacted respondents overall to some extent (i.e., excluding problems that impacted them "not at all"). Note that the primary unit of analysis changes to the individual in the discussion about barriers at the end of the section.

Seeking Legal Help

Low-income Americans rarely seek legal help for their civil legal problems.

Low-income Americans sought legal help for 19% of their collective civil legal problems in the past year. As Figure 4A shows, they were slightly more likely to seek legal help for problems that impacted them substantially (25% of problems impacting them "very much" or "severely") compared to less impactful problems (14% of problems affecting them "slightly" or "moderately").

Figure 4A. Percent of problems for which low-income Americans sought legal help in the past year³⁴



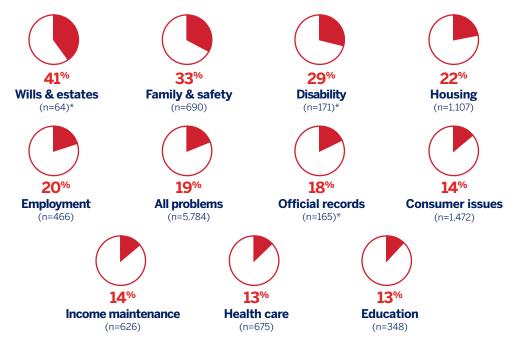


Low-income Americans sought legal help for 25% of the civil legal problems that substantially impacted them in the past year.

People are more likely to seek legal help for problems that are more obviously "legal" like those involving legal documents and court proceedings.

Figure 4B presents the percent of civil legal problems for which low-income Americans sought legal help in the past year by problem type. As the figure shows, people were most likely to seek legal help for problems relating to family and safety (33%) and to wills and estates (41%). To compared to the other problems explored in the survey, these types of problems might be considered more obviously "legal" in nature. For example, many family and safety problems involve the courts, such as those related to child custody, divorce, and protection from violence. Similarly, the problems in the wills and estates category involve official legal documents and often involve court proceedings as well.

Figure 4B. Percent of problems for which low-income Americans sought legal help, by problem type³⁶



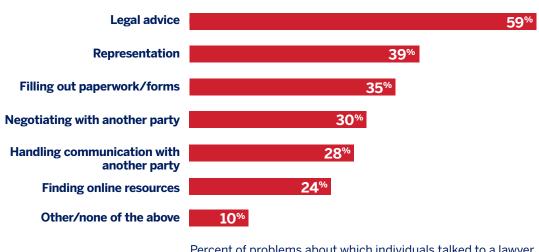
Percent of problems experienced in each category
*Small base size



The types of legal help that low-income Americans seek from lawyers reflect the wide variety of ways legal professionals can help people with these types of problems.

Figure 4C presents the various types of help low-income Americans wanted when they talked to a lawyer about their civil legal problems in the past year. The most common type of legal help sought was legal advice about specific situations (59% of the times they sought legal help). Other common types of help sought include representation in court (39%) and help filling out legal forms and documents (35%).

Figure 4C. Percent of problems for which low-income Americans sought various types of legal help from lawyers³⁷



Percent of problems about which individuals talked to a lawyer n=822

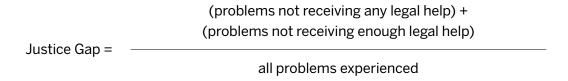
Even when they seek legal help, low-income Americans often do not get all of the help they need.

Looking at all of the problems for which low-income Americans sought legal help, they say that they did not receive all of the help needed for nearly two-thirds (64%).³⁸ If we narrow our focus to only those problems that affected them substantially, we find a similar result: low-income Americans did not receive all of the help they needed for 66% of these substantial problems.³⁹



Survey-based Measure of the Justice Gap

The survey results allow us to estimate a survey-based measure of the justice gap among low-income Americans. 40 To do so, we first identify the full set of problems low-income Americans experienced in the past year and then identify the set of these problems for which they did not receive any legal help or did not receive enough legal help.



We define each part of this measure below:

- All problems experienced: All personally experienced problems that impacted respondents to some extent in the past year.41
- Problems not receiving any legal help: The subset of problems for which they did not seek any legal help.42
- Problems not receiving enough legal help: The subset of problems for which they sought legal help but did not receive as much as they needed. 43

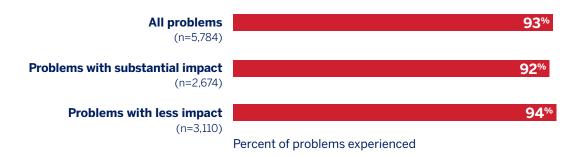


Nancy • New Jersey • Disability. Nancy, an elderly disabled woman, lived in public housing for seniors, a placement that she risked losing. When she lost her identification documents, she fell behind on rent because she did not know how to access her bank account without them. She asked Essex-Newark Legal Services (ENLS) for help, but they lost contact with Nancy when the pandemic hit. An ENLS staff member eventually tracked her down and found that she had been isolated for several months – surviving on food donations and still housed only because evictions were not allowed. ENLS helped her get a new I.D. card, and she is now up-to-date on rent and safe.

Low-income Americans either do not receive any legal help or do not receive enough legal help for the vast majority of their civil legal problems.

Figure 4D presents the survey-based justice gap measure for low-income Americans among three sets of problems: all of the civil legal problems they experienced, problems with substantial impact, and problems with less impact. As the figure shows, low-income Americans did not receive any or enough legal help for 93% of all of their problems. Interestingly, this estimate is essentially the same whether we look at problems with substantial impact (92%) or problems with less impact (94%).

Figure 4D. Percent of problems for which low-income Americans did not receive any or enough legal help in the past year (i.e., survey-based justice gap measure)44



Low-income Americans did not receive any legal help or enough legal help for 92% of the problems that substantially impacted them in the past year.



Barriers to Seeking and Receiving Legal Help

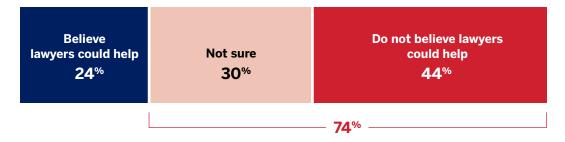
The survey data allow us to explore three types of potential barriers to seeking and receiving legal help:

- Knowledge barriers: We look at the extent to which people know that legal professionals can help resolve the types of civil legal problems explored in this survey.
- Attitudinal barriers: We explore people's beliefs about the civil legal system and how it relates to people like them.
- Cost barriers: We consider the extent to which the (real or perceived) cost of receiving legal help might pose a barrier to getting it.

There is a low level of awareness around the fact that lawyers can help resolve many of the everyday civil legal problems people face.

For each civil legal problem that they personally experienced, respondents indicated whether they thought it was a type of problem that a lawyer or other legal professional could help resolve. The results point to a low level of awareness about how legal professionals can help. As Figure 4E shows, low-income Americans did not know if a lawyer could help resolve 74% of their problems. Indeed, they did not think a lawyer could help with 44% of their problems and were not sure for another 30%. Among low-income Americans with at least one reported problem, only 5% knew that a legal professional could help resolve all of the types of problems they experienced; the vast majority (95%) either did not think a legal professional could help or were not sure for at least one problem.

Figure 4E. Low-income Americans' beliefs about whether a lawyer could help resolve their civil legal problems⁴⁵



Percent of problems experienced | n=9,306



Most low-income Americans hold uncertain or negative perceptions of the civil legal system and how it relates to them.

The survey asked respondents to indicate the extent to which they agreed or disagreed with the following three statements about the U.S. civil legal system:⁴⁶

- The civil legal system can help people like me solve important problems like those discussed in this survey.
- People like me are treated fairly in the civil legal system.
- People like me are able to use the civil legal system to protect and enforce their rights.

Figure 4F presents the percent of low-income Americans who agree, disagree, or are indifferent/unsure when it comes to these statements. As the figure shows, a minority (ranging from 28% to 40%) agrees with the statements, but most people either disagree or are indifferent/unsure. For example, only 28% of low-income Americans agree with the statement, "People like me are treated fairly in the civil legal system." Forty-six percent are either indifferent or unsure, and another 24% disagree.

Client Story

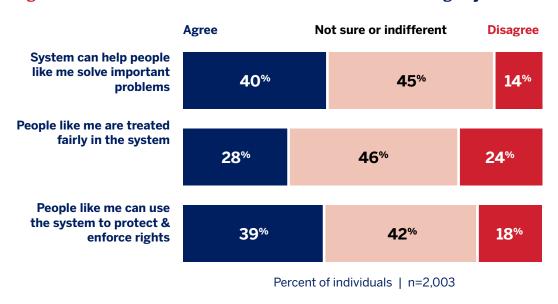


George • Virginia • Elder abuse. George is an elderly veteran with serious health issues. He had a caregiver who was neglecting and abusing him – in addition to stealing from him. Once Adult Protective Services became involved, they referred George to Blue Ridge Legal Services (BRLS). BRLS attorneys helped him revoke the abuser's previous power of attorney and get new powers of attorney in place with trusted family members. BRLS also helped George file a civil case against his abuser, which resulted in a settlement of \$40,000. Additionally, BRLS helped George and the police document the stolen money and property, resulting in a parallel criminal case against George's abuser.



Only 28% of low-income Americans believe that people like them are treated fairly in the U.S. civil legal system.

Figure 4F. Low-income Americans' attitudes about the U.S. civil legal system⁴⁷

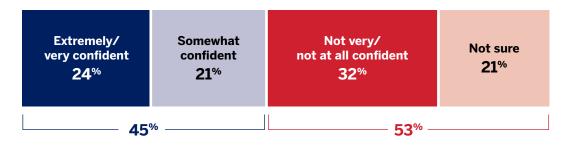


More than one-half of low-income Americans doubt they could find and afford a lawyer if they needed one.

The survey asked respondents how confident they are that they would be able find a lawyer or other legal professional that they could afford if they needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child. Figure 4G presents the corresponding results. As the figure shows, less than one-half (45%) of low-income Americans express confidence that they could find a lawyer that they could afford while 53% either have low confidence or are not sure.

53% of low-income Americans do not know if they would be able to find a lawyer that they could afford if they needed help with a serious civil legal problem.

Figure 4G. Low-income Americans' confidence in their ability to find a lawyer that they could afford⁴⁸



Percent of individuals | n=2,003

Many low-income Americans cite cost as a reason for not seeking legal help in the past year.

Among those who did not seek legal help for at least one of their recent civil legal problems, nearly one-half (46%)⁴⁹ cited concerns about cost as a reason why. There is also evidence to suggest that concerns about cost stood in the way of others' ability to get all of the help they needed. Indeed, among those who sought legal help but did not get all that they needed for one or more problems, 61% say one of the reasons was that it was too expensive to get more help.⁵⁰



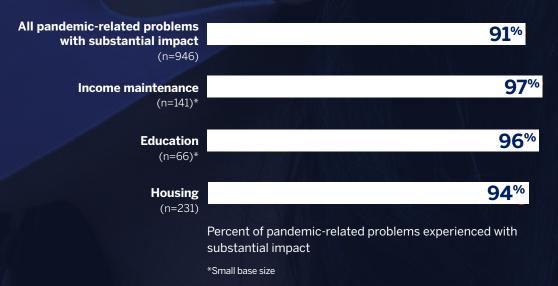
Impact of the COVID-19 Pandemic

Low-income Americans did not receive any or enough legal help for 91% of the pandemic-related civil legal problems that substantially impacted their lives.

Low-income Americans sought legal help for 22% of the substantial problems that they attribute to the COVID-19 pandemic in the past year.⁵¹ Consistent with broader findings, two common reasons cited for not seeking legal help for these problems were concerns about cost and the belief that lawyers could not help with these problems.⁵²

All in all, low-income Americans did not receive any legal help or enough legal help for 91% of the pandemic-related problems that impacted them substantially. Figure 4H below presents estimates for the survey-based justice gap measure for the three types of problems most frequently attributed to the pandemic (i.e., income maintenance, education, and housing).

Figure 4H. Percent of substantial, pandemic-related problems for which low-income Americans did not receive any or enough legal help in the past year (i.e., survey-based justice gap measure)⁵³





GEOGRAPHIC FOCUS

This snapshot presents key statistics about the likelihood of low-income Americans seeking and receiving legal help for each of the four Census regions in the United States. All estimates are based exclusively on civil legal problems with substantial impacts and come from LSC's 2021 Justice Gap Measurement Survey.⁵⁴ The unit of analysis is problems.



Midwest (n=752)

Sought legal help for 25% of substantial problems.

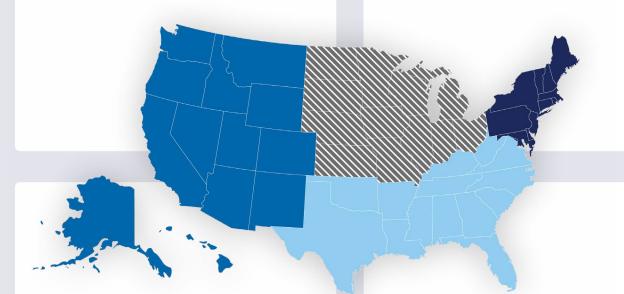
Did not receive any or enough legal help for 93% of substantial problems.



Northeast (n=261)

Sought legal help for 29% of substantial problems.

Did not receive any or enough legal help for 88% of substantial problems.



West (n=558)

Sought legal help for 29% of substantial problems.

Did not receive any or enough legal help for 92% of substantial problems.



South (n=1,103)

Sought legal help for 21% of substantial problems.

Did not receive any or enough legal help for 92% of substantial problems.



SPECIAL FOCUS

This snapshot presents key statistics about the likelihood of low-income Americans seeking and receiving legal help for the six subpopulations of interest throughout this report. All estimates are based exclusively on civil legal problems with substantial impacts and come from LSC's 2021 Justice Gap Measurement Survey. 55 The unit of analysis is problems.



Seniors (n=222)

Sought legal help for **26% of substantial problems.**

Did not receive any or enough legal help for 91% of substantial problems.



Individuals from Rural Areas (n=593)

Sought legal help for **21% of substantial problems.**

Did not receive any or enough legal help for 94% of substantial problems.



Individuals from Veteran Households (n=366)

Sought legal help for **34% of substantial problems.**

Did not receive any or enough legal help for 84% of substantial problems.



Individuals with High Housing Costs (n=1,507)

Sought legal help for **21% of substantial problems.**

Did not receive any or enough legal help for 95% of substantial problems.



Individuals from Households with Children (<18 yrs) (n=1,500)

Sought legal help for **24% of substantial problems.**

Did not receive any or enough legal help for 90% of substantial problems.



Recent Survivors of Domestic Violence (n=666)

Sought legal help for **29% of substantial problems.**

Did not receive any or enough legal help for 88% of substantial problems.



Section 5

Comparing Income Groups

Leveraging the 2021 Justice Gap Measurement Survey's sample of households above 125% of the federal poverty level, this section compares the experiences of low- and higher-income Americans in seeking and receiving legal help for recent civil legal problems. More specifically, it compares their likelihood to seek legal help, their likelihood to receive the help they need, and their potential barriers to getting help.



ABOUT THE DATA: The data in this section come from the 2021 Justice Gap Measurement Survey and its nationally representative samples of low- and higher-income Americans. The section focuses on comparing the results for different income groups across some of the same survey items explored in Section Four – including items used to estimate the survey-based justice gap measure and items that tap into potential knowledge, attitudinal, and cost barriers to getting legal help. This section uses two primary units of analysis: problems and individuals.

Comparing Income Groups

While the main focus of this study is to better understand low-income Americans' civil legal needs, the 2021 Justice Gap Measurement Survey also included a nationally representative sample of individuals with household incomes above 125% of FPL. The primary purpose of this higher-income sample was to explore how experiences with civil legal problems might differ by income. For the purposes of this report, we group individuals into the following three categories based on their household income and household size:

- At or below 125% of FPL
- Between 125% of FPL and 400% of FPL
- At or above 400% of FPI

Table 5A presents the approximate annual incomes that correspond to each of these income groups for a typical family of four and a typical individual.⁵⁶

Table 5A. 2022 annual household income levels for income groups of interest⁵⁷

| | Family of four | Individual |
|------------------------------|-----------------------------|----------------------|
| 125% of FPL or below | \$34,688 or less \$16,988 c | |
| Between 125% and 400% of FPL | \$34,689 to \$111,000 | \$16,989 to \$54,360 |
| 400% of FPL or above | \$111,001 or more | \$54,361 or more |

This section focuses primarily on comparisons between people at or below 125% of FPL ("low-income Americans") and people at or above 400% of FPL ("higher-income Americans"). This offers the sharpest comparison given that household income often fluctuates, and people who are in the middle income group today could very well be in the lower or higher income group tomorrow.



Comparing Likelihood to Seek and Receive Legal Help

In general, the likelihood to seek legal help is higher for problems with substantial impact, and this pattern is more pronounced among people with higher incomes.

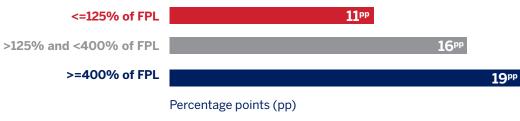
Table 5B summarizes each income group's likelihood of seeking legal help in the past year for three groups of problems: all problems, problems with substantial impact, and problems with less impact. As the table shows, people are more likely to seek legal help for problems with substantial impact. We see this "impact differential" across all three income groups.

Table 5B. Percent of problems for which people sought legal help, by income⁵⁸

| | All problems | Problems with substantial impact | Problems with less impact |
|---------------------------------|-----------------------|--|---------------------------|
| 125% of FPL or below | 19% (n=5,784) | 25 % (n=2,674) | 14% (n=3,110) |
| Between 125% and 400% of FPL | 20 % (n=5,666) | 30 % (n=2,177) | 14% (n=3,489) |
| 400% of FPL or above | 18% (n=1,231) | 32 % (n=320) | 13 % (n=911) |

Figure 5A charts the impact differential for each income group's likelihood to seek help; this is the difference between their likelihood to seek legal help for problems with substantial impact and those with less impact. As the figure shows, the impact differential is larger for people with higher incomes. For low-income Americans, the impact differential is 11 percentage points; they seek help for 25% of their problems with substantial impact and 14% of those with less impact. The impact differential for those at or above 400% of FPL is 19 percentage points; this group seeks legal help for nearly one-third (32%) of their problems with substantial impact and for 13% of those with less impact.

Figure 5A. Impact differential in likelihood to seek legal help, by income⁵⁹



This impact differential is the difference (in percentage points) between the percent seeking help for problems with substantial impact versus problems with less impact.



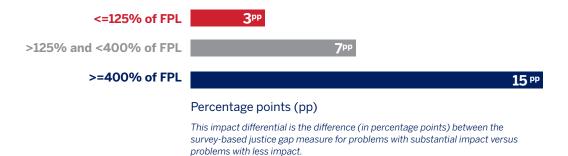
Among higher-income Americans, the survey-based justice gap measure is significantly smaller for substantial problems.

Table 5C presents the survey-based justice gap measure for the three income groups. As a reminder, this measure reflects the percent of problems that do not receive any legal help or enough legal help. As the table shows, the survey-based justice gap measure for low-income Americans stays relatively flat regardless of impact level (94% versus 92%). Meanwhile, for those at or above 400% of FPL, it is significantly lower for problems with more impact (93% versus 78%). This translates to an "impact differential" of 15 percentage points for higher-income Americans compared to a differential of only three percentage points for low-income Americans. Figure 5B shows these impact differentials in chart form.

Table 5C. Percent of problems for which people did not receive any or enough legal help in the past year (i.e., survey-based justice gap measure), by income⁶⁰

| | All problems | Problems with substantial impact | Problems with less impact |
|---------------------------------|-----------------------|--|---------------------------|
| 125% of FPL or below | 93 % (n=5,784) | 92 % (n=2,674) | 94% (n=3,110) |
| Between 125% and 400% of FPL | 90 % (n=5,666) | 86% (n=2,177) | 93 % (n=3,489) |
| 400% of FPL or above | 90 % (n=1,231) | 78% (n=320) | 93% (n=911) |

Figure 5B. Impact differential in survey-based measure of the justice gap, by income⁶¹





Among higher-income Americans, the survey-based justice gap measure is smaller for problems with substantial impact; among low-income Americans, it stays the same no matter how impactful the problem might be.

Comparing Potential Barriers

Section Four of this report examined results for low-income Americans on survey measures that tap into three types of potential barriers: knowledge, attitudinal, and cost. Below, we compare the results on the same measures for low-income Americans versus higher-income Americans. Overall, we find that higher-income Americans tend to have more positive attitudes toward the civil legal system and are more confident that they could find and afford legal help if they needed it.

The three income groups are similar when it comes to their likelihood to believe that a lawyer could help resolve their civil legal problems.

Figure 5C presents the survey results for all three income groups regarding whether they think a lawyer (or other legal professional) could help resolve their civil legal problems. Respondents answered this question for each of the problems they personally experienced in the past year. As the figure shows, there are only slight

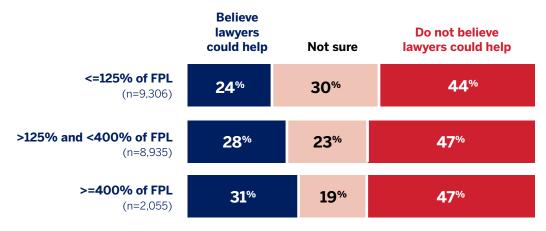
Client **Story**



Judy • Montana • Family. When her daughter died unexpectedly, Judy became the legal guardian for her two grandchildren, including a grandson with autism. Soon after her daughter's death, her grandson's Social Security Disability Insurance (SSDI) was suddenly terminated, and Judy did not know how to get him the services he needed without it. She was desperate to find a solution for her family, but knew she could not afford an attorney. A friend referred her to Montana Legal Services Association and their attorneys were able to collect the documentation necessary to appeal the SSDI decision. Judy's grandson's benefits were reinstated.

differences by income. Regardless of income, most Americans either did not think that lawyers could help them with these sorts of problems (44% to 47%) or they were not sure about it (19% to 30%).

Figure 5C. Beliefs about whether a lawyer could help resolve their civil legal problems, by income⁶²



Percent of problems experienced

People with higher incomes tend to have more positive views of the civil legal system and how it relates to people like them.

Figure 5D presents the percent of individuals who agree with three statements about the U.S. civil legal system and how it might support "people like [them]." Overall, these results point to significant differences in attitudes about the civil legal system across income groups. Indeed, compared to low-income Americans, those at or above 400% of FPL are much more likely to agree with all three statements. We see the biggest differences with regard to the statement, "People like me are able to use the civil legal system to protect and enforce their rights" - with 59% of those at or above 400% of FPL agreeing versus 39% of low-income Americans.

Figure 5D. Percent agreeing with various statements about the U.S. civil legal system, by income⁶³

Compared to low-income Americans, those with higher incomes are generally more confident in their ability to find a lawyer that they could afford.

One of the most striking findings from Section Four of this report is the fact that fewer than one-half (45%) of low-income Americans expressed confidence in their ability to find a lawyer that they could afford if faced with a serious civil legal problem. Figure 5E presents the percent of individuals from all three income groups who express the same level of confidence (i.e., they are "somewhat," "very," or "extremely confident"). As the figure shows, nearly three-quarters (73%) of those at or above 400% of FPL say they are at least somewhat confident. This is a striking figure compared to that of the low-income group; indeed, higher-income Americans are a full 28 percentage points more likely than low-income Americans to express this confidence (73% versus 45%).

Client Story



Gloria • Washington, D.C. • Veteran. Gloria is a veteran with post-traumatic stress disorder (PTSD). Her veteran benefits were not enough to make ends meet, and she was repeatedly denied the Social Security Disability Insurance and other benefits that she was entitled to due to her PTSD. She was appealing the denials of benefits on her own – without any legal help. Attorneys from Neighborhood Legal Services Program of the District of Columbia took her case and were able to secure the benefits she needed to pay rent and take care of her other needs.

73% of higher-income Americans are confident in their ability to find a lawyer they could afford while only 45% of low-income Americans say the same.

Figure 5E. Percent confident in ability to find a lawyer they could afford, by income⁶⁴



Impact of the COVID-19 Pandemic

Income disparities in the justice gap are exacerbated for civil legal problems related to the COVID-19 pandemic.

Compared to low-income Americans, those with higher incomes are less likely to have experienced a civil legal problem related to the COVID-19 pandemic. While onethird (33%) of low-income Americans experienced at least one problem related to the pandemic, this is true for only 18% of those at or above 400% of FPL.65

Table 5C presents the survey-based measures of the justice gap for all problems with substantial impact - breaking them out by whether they were related to the pandemic.

Table 5C. Survey-based justice gap measure for pandemic-related and other problems with substantial impact, by income⁶⁶

| | All problems with substantial impact | Pandemic-related problems with substantial impact | Other problems with substantial impact |
|--|--|---|--|
| 125% of FPL or below | 92 % (n=2,674) | 91% (n=946) | 92% (n=1,728) |
| Between 125% and 400% of FPL | 86 % (n=2,177) | 81 % (n=723) | 88 % (n=1,454) |
| 400% of FPL or above | 78% (n=320) | 68% (n=103)* | 84 % (n=217) |
| "Income disparity" in percentage points (pp) | 14 pp | 23 ^{pp} | 8 ^{pp} |

Income disparity represents the difference (in percentage points) between the survey-based justice gap measure for those at or below 125% of FPL versus those at or above 400% of FPL.

Looking at the column for pandemic-related problems, we see that this measure of the justice gap is much lower among those at or above 400% of FPL compared to low-income Americans. Low-income Americans do not receive any or enough legal help for 91% of the pandemic-related problems that substantially impacted them. Meanwhile, those at or above 400% of FPL do not receive any or enough legal help for 68% of these problems. This translates to an income disparity of 23 percentage points (91% versus 68%). Table 5C also makes clear that this income disparity is significantly greater for pandemic-related problems compared to other problems (23 versus 8 percentage points).



^{*}Small base size

GEOGRAPHIC FOCUS

This snapshot presents the percent of people in each of the four U.S. Census regions who express **confidence in their ability to find and afford a lawyer** if they need help resolving a serious civil legal problem. All estimates come from LSC's 2021 Justice Gap Measurement Survey.⁶⁷ The unit of analysis is individuals.



At or below 125% of FPL (n=534):

43% are confident.

Between 125% and 400% of FPL (n=558):

59% are confident.

At or above 400% of FPL (n=258):

76% are confident.



At or below 125% of FPL (n=257):

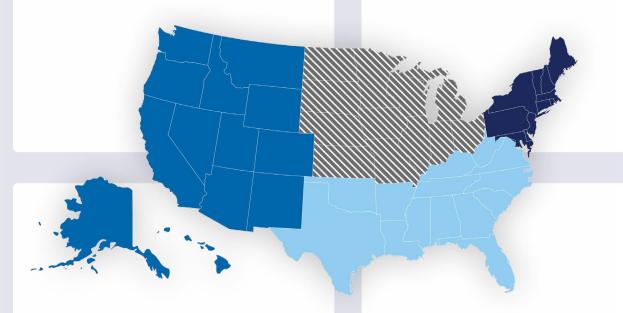
52% are confident.

Between 125% and 400% of FPL (n=284):

60% are confident.

At or above 400% of FPL (n=177):*

71% are confident.



West

At or below 125% of FPL (n=402):

40% are confident.

Between 125% and 400% of FPL (n=529):

59% are confident.

At or above 400% of FPL (n=253):

70% are confident.



South

At or below 125% of FPL (n=810):

47% are confident.

Between 125% and 400% of FPL (n=947):

58% are confident.

At or above 400% of FPL (n=299):

74% are confident.

SPECIAL FOCUS

This snapshot presents the percent of the subpopulations of interest who express **confidence in their ability to find and afford a lawyer** if they need help resolving a serious civil legal problem. All estimates come from LSC's 2021 Justice Gap Measurement Survey⁶⁸ The unit of analysis is individuals.



Seniors

At or below 125% of FPL (n=369):

60% are confident.

Between 125% and 400% of FPL (n=481):

72% are confident.

At or above 400% of FPL (n=128):*

87% are confident.



Individuals from Rural Areas

At or below 125% of FPL (n=419):

45% are confident.

Between 125% and 400% of FPL (n=412):

56% are confident.

At or above 400% of FPL (n=93):*

77% are confident.



Individuals from Veteran Households

At or below 125% of FPL (n=242):

51% are confident.

Between 125% and 400% of FPL (n=416):

69% are confident.

At or above 400% of FPL (n=174):*

76% are confident.



Individuals with High Housing Costs

At or below 125% of FPL (n=826):

40% are confident.

Between 125% and 400% of FPL (n=617):

51% are confident.

At or above 400% of FPL (n=82):*

53% are confident.



Individuals from Households with Children (<18 yrs)

At or below 125% of FPL (n=889):

40% are confident.

Between 125% and 400% of FPL (n=918):

53% are confident.

At or above 400% of FPL (n=252):

70% are confident.



Recent Survivors of Domestic Violence

At or below 125% of FPL (n=177):*

45% are confident.

Between 125% and 400% of FPL (n=112):*

48% are confident.

At or above 400% of FPL

(not enough data to produce estimate)

*Small base size





Section 6

Reports from the Field

Sections Four and Five examined the justice gap through the lens of people's personal experiences dealing with specific civil legal problems. This section looks at the justice gap through a different lens: legal aid organizations' experiences trying to help low-income individuals with their civil legal problems. Using data from LSC's 2021 Intake Census, this section estimates the number of problems that low-income individuals bring to LSC-funded legal aid organizations over the course of a year and the extent to which these organizations are able to help resolve these problems with the limited resources at their disposal.



ABOUT THE DATA: The findings in this section come from LSC's 2021 Intake Census. As part of this four-week-long intake census conducted in October 2021, LSC-funded organizations tracked all of the times individuals requested legal help from their organizations. They tracked which problems they were able to serve fully, to some extent, and not at all. The resulting data permit an estimate of the intake-based measure of the justice gap. This measure focuses on the extent to which LSC-funded organizations are able to provide any or enough legal help for the civil legal problems low-income individuals bring to their doors. The unit of analysis in this section is problems.

Requests for Legal Help

Over the course of a year, low-income individuals approach LSC-funded legal aid organizations for help with an estimated 1.9 million civil legal problems.

As a general rule, to be eligible for LSC-funded legal help, an individual must have a household income at or below 125% of FPL,⁶⁹ and their civil legal problem cannot be related to an issue prohibited by LSC regulations, such as abortion, euthanasia, and class-action litigation.⁷⁰ For the purposes of this report, we call civil legal problems that meet these criteria "eligible" problems.⁷¹

During LSC's four-week 2021 Intake Census, low-income individuals approached LSC-funded organizations with approximately 147,000 unique eligible problems.⁷² Assuming these four weeks represent intake activity for a typical four-week period in the year, this translates to an estimated 1.9 million eligible problems over the course of a year.

Low-income individuals approach LSC-funded legal aid organizations for help with an estimated 1.9 million civil legal problems annually.

In reality, the number of civil legal problems requiring legal help among low-income individuals in the United States is much greater.

Impactful as it is, we also know that the estimate of 1.9 million for the number of civil legal problems low-income individuals bring to LSC-funded organizations grossly underestimates the amount of need. It is impossible to know how much this number underestimates the broader need, but we know there are several reasons to expect it to be a gross underestimation. The most important reasons include the following:



Completing the intake process: LSC's 2021 Intake Census counts only problems that went through the full intake process to determine eligibility; this does not include situations in which people approach legal aid organizations in contexts without formal intake processes (e.g., help desks through community partnerships) or situations in which people do not make it through the intake process due to time constraints or other issues that arise.

Help-seeking behavior: Section Four of this report showed that low-income Americans seek legal help from any legal professional (not just legal aid) for an estimated 19% of their problems (25% of their problems with substantial impact), which would suggest that the 1.9 million estimate represents a very small slice of the actual civil legal need.

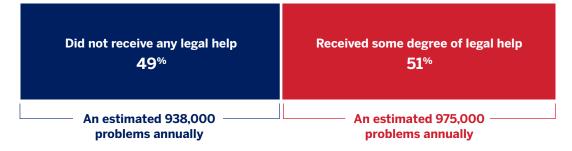
Limited universe: The 1.9 million figure corresponds only to the number of problems presented to legal aid organizations funded by LSC; while LSC is the largest funder of civil legal aid in the country, there are also many other legal aid organizations serving low-income communities that operate outside of LSC's network.

Providing Legal Help

LSC-funded organizations are able to provide some degree of legal help for about one-half of the eligible civil legal problems brought to them.

LSC's 2021 Intake Census data indicate that LSC-funded organizations are able to provide legal help for one-half (51%) of the eligible problems low-income individuals bring to them. See Figure 6A. This translates to nearly 1 million distinct civil legal problems over the course of a year.

Figure 6A. Percent of eligible problems receiving legal help from LSC-funded organizations⁷³



Percent of problems | n=146,724



With the resources currently available, LSC-funded organizations are able to provide legal help for one-half of the legal problems brought to their doors.

Legal help is generally provided through one of three forms: information and resources, brief services and advice, or extended services.

Table 6A provides an overview of the level and types of legal help legal aid organizations provide. The figures in the table represent the percent of eligible civil legal problems served that receive each type of legal help, according to LSC's 2021 Intake Census. The table shows that LSC-funded organizations provide extended services for about one in five (21%) of the eligible civil legal problems they are able to serve. They provide brief services and advice to about one-half (51%) of the problems they serve and general information and self-help resources to 28%.

Table 6A. Legal help provided by LSC-funded organizations⁷⁴

| General information and | Providing general legal information and self-help materials related to an individual's type of civil legal problem. | |
|---------------------------|---|--|
| self-help resources 28% | Examples: • Giving guidance on how to complete legal forms/documents | |
| of problems | Explaining the requirements on how to file for custody or apply for benefits. | |
| Brief services and advice | Providing brief services and/or advice that are specific to an individual's civil legal problem and situation. | |
| 51% of problems | Examples: • Providing advice about how to handle a custody hearing. | |
| | • Writing a demand letter to a landlord to repair a rented home | |
| Extended services 21% | This includes a wide variety of legal assistance specific to an individual's civil legal problem that requires extensive attention. | |
| of problems | Examples:Preparing complex legal documents (e.g., advance directives appeals for benefits, real estate documents). | |
| | • Representing a client in court, in administrative proceedings, or in interactions with third parties. | |

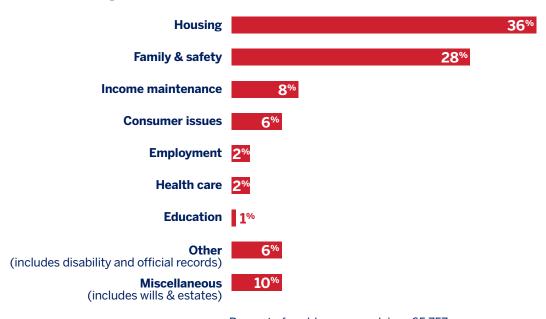
The level of legal help an organization dedicates to a given problem depends on at least two factors: the type of help needed in order to resolve a problem and the resources available to meet that need.

Problems related to housing and to family and safety make up nearly two-thirds of all the problems receiving legal help from LSC-funded organizations.

Figure 6B shows the distribution of problems receiving legal help across problem categories. This distribution is based on the LSC's 2021 Intake Census data, but it is worth noting that it tracks very closely with LSC's recent Grantee Activity Reports data and the pattern of the total case services provided by LSC-funded organizations in recent years.⁷⁵

Nearly two-thirds (64%) of all the problems receiving legal help from LSC-funded organizations are either related to housing (36%) or related to family and safety (28%). Readers might recall from Section Three of this report that while these are not the most common types of problems experienced by low-income Americans (see Figure 3B), they are the types of problems most likely to have a substantial impact (see Figure 3D). Additionally, LSC-funded organizations often prioritize these types of problems in the case acceptance guidelines they develop in order to maximize the potential impact of the limited resources at their disposal.⁷⁶

Figure 6B. Distribution of the types of problems receiving legal help from LSC-funded organizations⁷⁷



Percent of problems served | n=65,757



Problems related to housing and family/safety make up the majority of problems receiving legal help from LSC-funded organizations.

Even when they are able to provide legal help, LSC-funded organizations often lack the resources to help people fully resolve their civil legal problems.

Given the resources available, LSC-funded organizations are often unable to provide enough legal help to fully resolve people's civil legal problems. Indeed, they are not able to provide all the legal help needed for an estimated 44% of the problems they serve. This estimate is based on organizations' reports of whether they have already provided enough help to fully resolve a problem or whether they expect to be able to do so given the resources they can devote to it. See Figure 6C.

Figure 6C. Percent of problems served that will receive enough legal help to resolve the issue⁷⁸

NOT ENOUGH
Not expected to receive enough
legal help to resolve problem

44%

ENOUGH
Expected to receive enough legal help to resolve problem
56%

An estimated 428,000 problems annually

An estimated 547,000 problems annually

Percent of problems served | n=74,795

Client Story



Eleanor • Ohio • Employment. The pandemic upended Eleanor's work providing entertainment for weddings and other local events. At first, she did not panic – trusting that unemployment insurance (UI) would help her stay afloat until things went back to normal. When her application for UI was repeatedly denied, she did not know how she would make ends meet. She did not seek legal help at first because she did not think she could afford it. A friend referred her to the Legal Aid Society of Cleveland (LASC), where attorneys helped her successfully appeal for UI and helped her get back on her feet.



Intake-based Measurement of the Justice Gap

Due to limited resources, LSC-funded legal aid organizations are unable to provide any legal help for about one-half of the eligible civil legal problems brought to their doors.

Figure 6A showed that LSC-funded organizations are not able to provide any legal help to 49% of the eligible problems brought to them. This translates to an estimated 938,000 problems turned away over the course of a year. More than one-half (52%) of these problems are turned away because they fall outside of the priority guidelines organizations develop to maximize use of limited resources. Another 18% fall within the priority guidelines but are turned away due to insufficient funds to provide service.

The remaining 30% are turned away for reasons that are best described as ways that people can often "fall through the cracks." These are civil legal problems that organizations hope to be able to serve but are unable to due to difficulty maintaining contact with the potential client (or some other similar challenge). Securing legal help and following through with the many tasks required is a cumbersome process; this is true for anyone, and even more so for individuals and families who are also dealing with the challenges of poverty. With sufficient resources to dedicate to intake, followup, and additional hands-on support for people expressing a need for legal help, legal aid organizations could avoid – or at least minimize – losing these opportunities to serve people's legal needs.

LSC-funded organizations are unable to provide any or enough legal help for an estimated 1.4 million eligible problems brought to their doors over the course of a year.

In Section Four, we used the 2021 Justice Gap Measurement Survey data to generate a survey-based measure of the justice gap. That measure focused on the extent to which low-income Americans received any or enough legal help for all of their civil legal problems. Here, we use LSC's 2021 Intake Census data to generate another measure of the justice gap. This measure focuses on the extent to which LSC-funded organizations are able to provide any or enough legal help for the civil legal problems low-income individuals bring to their doors.

As already established, LSC's 2021 Intake Census indicates that low-income individuals likely seek legal help from LSC-funded organizations for more than 1.9 million problems annually. Seven out of every 10 (71%) of these problems will either not receive any legal help or not receive enough legal help to be fully resolved. Over the course of a year, this translates to an estimated 1.4 million problems that will not get any or enough legal help. Table 6B summarizes the various data points that inform this intake-based measure of the justice gap.



LSC-funded organizations are unable to provide any or enough legal help to resolve an estimated **1.4 million eligible problems** brought to their doors in a year.

Table 6B. Components of the intake-based measure of the justice gap⁷⁹

| | Count from LSC's 2021 Intake Census | Proportion of eligible problems | Annual estimate |
|---|---|---------------------------------|-----------------|
| Total eligible problems | 147,000 | 100% | 1,913,000 |
| Problems receiving some but not enough help | 33,000 | 22% | 428,000 |
| Problems not receiving any legal help | 72,000 | 49% | 938,000 |
| Problems not receiving any or enough legal help (i.e., the intake-based justice gap measure) | 105,000 | 71% | 1,366,000 |

Client Story



Pippa • Alabama • Employment. When the pandemic hit, Pippa could no longer start her new job as a census collector for the U.S. Census Bureau; her job offer was suspended indefinitely. Unable to find any other work during the pandemic, she was struggling financially. Her application for Pandemic Unemployment Assistance (PUA) was denied under the assumption that her inability to work was not caused by the pandemic. Legal Services Alabama helped her collect the documentation and make the case that the suspension of her job offer was indeed caused by the pandemic. Pippa was approved for PUA, which helped her make ends meet until her census collector job eventually started.



Impact of the COVID-19 Pandemic

The pandemic presented new challenges for the ways LSC-funded organizations reach and serve low-income individuals and families.

Like most other office-based organizations, most LSC-funded organizations went remote starting in the spring of 2020. The shift to remote work had important implications for many areas of their work, including the following:



Resources. Many organizations had to invest substantial resources in "teching up" for remote work – acquiring new technology and equipment, training staff on how to use it, and establishing new protocols to manage communication and data systems. Fortunately, the financial cost of most of these technological upgrades was largely covered by the funding LSC received under the CARES Act. However, the transition to remote work used other resources (e.g., staff's time) that would have otherwise been dedicated to providing legal services.



Courts. Throughout the country, many courts closed or moved to virtual formats for a period of time during the pandemic. This had wide-reaching consequences for legal aid organizations. For example, this led to backlogs in the courts that are still affecting how quickly civil legal cases are processed to this day. Additionally, both legal aid attorneys and their clients had to figure out how to effectively navigate court proceedings held online. This was particularly challenging for clients, many of whom have limited access to the internet.



Outreach and education. Organizations had to figure out new ways to conduct outreach and education in their communities. This work focuses on raising awareness about individuals' rights, how to find legal help, and general information about common civil legal issues – and had traditionally been done mostly in person. During the pandemic, many organizations recast parts of their outreach efforts into virtual events and social media activity. The pandemic also led some organizations to create new community partnerships or to strengthen existing ones as a way to reach more people.

Likely owing in large part to the above challenges, LSC-funded organizations ended up closing fewer cases in 2020 compared to the prior year. It is important to note, however, that this decrease in cases does not generalize across all types of problems. Indeed, compared to 2019, LSC-funded organizations actually closed more cases related to income maintenance, employment, and domestic violence during the first year of the pandemic.⁸⁰

GEOGRAPHIC FOCUS

This snapshot shares results from LSC's 2021 Intake Census for each of the four U.S. Census regions. All estimates are based on the information provided by LSC-funded organizations in each region during the four-week intake census conducted in October of 2021. The unit of analysis is problems.



Midwest

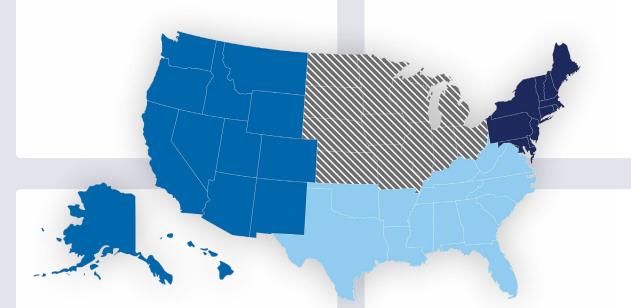
Approximately 417,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 73% of these problems.

Northeast

Approximately 387,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 72% of these problems.





West

Approximately 407,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 78% of these problems.



South

Approximately 655,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 69% of these problems.



SPECIAL FOCUS

This snapshot shares information about the types of cases and people served by LSC-funded legal aid organizations as they relate to the six subpopulations of interest in this report. With the exception of the information shared about rural areas, these snapshot figures come from a preliminary analysis of LSC's 2021 Grantee Activity Reports data. The unit of analysis varies.⁸¹



Seniors

In 2021, LSC-funded organizations provided legal help to **138.000** seniors.



Rural Areas

In partnership with Equal Justice Works, LSC has placed **190** law student fellows in **64** legal aid organizations serving rural clients through the Rural Summer Legal Corps (RSLC) program since 2016.



Veterans

In 2021, LSC-funded organizations provided legal help to **36,000** veteran households.



People with High Housing Costs

In 2021, LSC-funded organizations handled more than **300,000** cases related to housing.



Children (<18 yrs)

In 2021, LSC-funded organizations served households that included more than 730,000 children combined.



Domestic Violence

In 2021, LSC-funded organizations closed more than **148,000** cases involving domestic violence.

Endnotes

- ¹While not common, the right to counsel for civil legal matters exists in some places and for some types of legal matters. For example, the right to counsel exists for eviction cases in the states of Connecticut, Maryland, and Washington and in several cities. For the most up-to-date information on the civil right to counsel, see: http://civilrighttocounsel.org/.
- ²The regional categorization used by the U.S. Census Bureau can be found here: https://www2.census.gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf.
- ³We define these groups in the following ways for the purposes of this report: "seniors" typically refers to people who are 65 years or older, though information based on LSC's Grantee Activity Reports treats anyone 60 years old or older as a "senior;" "veterans" refers to anyone who has served in the military, military reserves, or national guard; for survey data, "rural" refers to nonmetro counties as coded in the U.S. Department of Agriculture (USDA) Economic Research Service's 2013 Rural-Urban Continuum Codes (see: https://www.ers.usda.gov/data-products/rural-urban-continuum-codes/documentation/); for U.S. Census data, "rural" refers to nonmetro areas; "children" refers to individuals under 18 years old; for survey data, "recent survivors of domestic violence" refers to individuals who report having experienced domestic violence in the past 12 months; someone is considered to have "high housing costs" if they spend more than 50% of their household income on housing expenses (consistent with the definition used by the U.S. Department of Housing and Urban Development).
- ⁴The client stories are based on information that LSC-funded organizations have shared with LSC to provide examples of how the provision of legal assistance impacted clients.
- ⁵Note that some of the client stories featured in this report are also featured in study-related videos hosted on the study website: justicegap.lsc.gov. The clients featured in the videos authorized the use of their images and names for the purposes of the videos.
- ⁶ See NORC's 2021 Justice Gap Measurement Survey technical report for details about the differences between the 2017 and 2021 surveys; this report can be found on the study website: justicegap.lsc.gov.
- ⁷ Source: U.S. Census Bureau, *Table: Poverty Thresholds for 2021 by Size of Family and Number of Related Children Under 18 Years* (accessed in April 2022); the household income for a family of four assumes the family consists of two adults under 65 years old with two dependent children, and the household income for an individual assumes the individual is under 65 years old.
- ⁸ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV46: Poverty Status by State: 2020* (accessed in March 2022).
- ⁹ An estimated 87% of the general U.S. population lives in a metropolitan area; source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV40 (by region): Age, Sex, and Household Relationship of People by Region and Residence Ratio of Income to Poverty Level: 2020* (accessed in March 2022).
- ¹⁰ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV40: Age, Sex, and Household Relationship of People by Region and Residence Ratio of Income to Poverty Level: 2020* (accessed in March 2022).
- ¹¹ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV01: Age and Sex of All People, Family Members and Unrelated Individuals: 2020 (accessed in March 2022).
- ¹² Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV01: Age and Sex of All People, Family Members and Unrelated Individuals: 2020* (accessed in March 2022).
- ¹³ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV04: Primary Families by Age of Householder, Number of Children, and Family Structure: 2020* (accessed in March 2022).



- ¹⁴ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV01: Age and Sex of All People, Family Members and Unrelated Individuals: 2020* (accessed in March 2022).
- ¹⁵ Source: U.S. Census Bureau, 2019 American Community Survey (ACS); estimates were produced through IPUMS USA database (accessed March 2022): Ruggles, S., Flood, S., Foster, S., Goeken, R., Pacas, J., Schouweiler, M., Sobek, M. 2021. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS.
- ¹⁶ See, for example: Chen, J. T., & Krieger, N. 2021. Revealing the Unequal Burden of COVID-19 by Income, Race/Ethnicity, and Household Crowding: US County Versus Zip Code Analyses. *Journal of Public Health Management and Practice: JPHMP, 27 Suppl 1, COVID-19 and Public Health: Looking Back, Moving Forward*, S43–S56; Quan, D., Luna Wong, L., Shallal, A., Madan, R., Hamdan, A., Ahdi, H., Daneshvar, A., Mahajan, M., Nasereldin, M., Van Harn, M., Opara, I. N., & Zervos, M. 2021. Impact of Race and Socioeconomic Status on Outcomes in Patients Hospitalized with COVID-19. *Journal of General Internal Medicine*, *36*(5), 1302–1309; Finch, W. H., & Hernández Finch, M. E. 2020. Poverty and Covid-19: Rates of Incidence and Deaths in the United States During the First 10 Weeks of the Pandemic. *Frontiers in Sociology*, *5*, 47.
- With the help of the Institute for Research on Poverty at the University of Wisconsin-Madison, the Office of the Assistant Secretary for Planning & Evaluation (ASPE) in the U.S. Department of Health & Human Services (HHS) produced a brief summarizing the impact of the first year of the pandemic on low-income families: "The Impact of the First Year of the COVID-19 Pandemic and Recession on Families with Low Incomes" (September 2021) (https://aspe.hhs.gov/sites/default/files/2021-09/low-income-covid-19-impacts.pdf).
- ¹⁸ Source: U.S. Census Bureau, Household Pulse Survey, Week 43 (March 2 14). Tables: Employment Table 1, Food Sufficiency and Food Security Table 1, Health Table 2a, and Housing Table 1b (accessed in March 2022).
- ¹⁹ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). *Table POV40: Age, Sex, and Household Relationship of People by Region and Residence Ratio of Income to Poverty Level: 2020* (accessed in March 2022).
- ²⁰ The information on this page that pertains to seniors, households with children, and people in rural areas come from: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC), various tables (accessed in March 2022); the information pertaining to veterans comes from: U.S. Census Bureau, 2019 American Community Survey (ACS) and the estimates were produced through IPUMS USA database (accessed March 2022): Ruggles, S., Flood, S., Foster, S., Goeken, R., Pacas, J., Schouweiler, M., Sobek, M. 2021. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS; the information that pertains to people with high housing costs comes from: U.S. Census Bureau, 2019 American Housing Survey (AHS) using the AHS Table Creator in March 2022 (national 2019 housing costs by household income, no filters); the information that pertains to survivors of domestic violence comes from: Bonomi, A. E., Trabert, B., Anderson, M. L., Kernic, M. A., & Holt, V. L. 2014. Intimate partner violence and neighborhood income: a longitudinal analysis. Violence against women, 20(1), 42–58.
- ²¹ Source: 2021 Justice Gap Measurement Survey; results based on count of respondents' reports of problems personally experienced and experienced by others in household in the past year from among 81 distinct problems. Note that a given problem can only be counted once per household. For a full list of the 81 problems, see the questionnaire on the study website: justicegap.lsc.gov.
- ²² Source: 2021 Justice Gap Measurement Survey; for information about how specific problems were categorized into problem types, see NORC's 2021 Justice Gap Measurement Survey technical report on the study website: justicegap.lsc.gov.
- ²³ Source: 2021 Justice Gap Measurement Survey; n = 1,194 homeowner households.
- ²⁴ Source: 2021 Justice Gap Measurement Survey; note that the prevalence rate of experiencing a problem related to disability is 16% for households with someone who either has a disability or cares for a loved one who does (n=1,152 households).



- ²⁵ For example, see: Pleasence, P., Balmer, N.J., Buck, A., O'Grady, A., and Glenn, H. 2004. Multiple justiciable problems: common clusters, problem order and social and demographic indicators. *Journal of Empirical Legal Studies*, 1(2): 201-329; Desmond, Matthew. 2017. *Evicted: Poverty and Profit in the American City*. Penguin Books; Tobin Tyler, E., Lawton, E., Conroy, K., Sandel, M. and Zuckerman, B. 2011. *Poverty, Health and Law: Readings and Cases for Medical-legal Partnerships*. Durham, NC: Carolina Academic Press.
- ²⁶ Note that, here, "eviction households" refers to households for which a respondent reported that they or another household member had experienced a civil legal problem related to eviction in the past year (e.g., falling behind on rent or receiving an eviction notice); likewise, "domestic violence households" refers to households for which a respondent reported that they or another household member had experienced domestic violence of some sort in the past year.
- ²⁷ Source: 2021 Justice Gap Measurement Survey; note that the estimates for eviction households reflect problems *in addition to* eviction-related ones (problems related to eviction are not included in the count); the same is true for estimates for domestic violence households they are *in addition to* problems involving domestic violence.
- ²⁸ Source: 2021 Justice Gap Measurement Survey; Q4A Q4E; Q4A: Overall, how much would you say this problem has negatively affected you or others in your household? Q4B Q4E: How much has this problem negatively affected the [impact area] of/for you or any other person in your household? Impact areas: physical health or safety, mental or emotional health, financial situation, relationships with family members and others); response options for Q4A Q4E: severely, very much, moderately, slightly, not at all. Note that survey items Q4B Q4E were not presented to respondents who answered "not at all" to Q4A; to produce the proportions in this figure for the entire low-income sample of individuals, we assume these respondents would have answered "not at all" to Q4B Q4E and code them accordingly (this increases the denominator used in estimates and potentially leads to an underestimation of the proportion of people who were substantially impacted in those specific areas).
- ²⁹ Source: 2021 Justice Gap Measurement Survey; the results in this figure are based on Q4A (see previous endnote for question wording and response options). For a given category, the percentage reported reflects the proportion of individuals among all who personally experienced at least one problem in that category who indicated that at least one problem in the category had negatively affected them "very much" or "severely" overall.
- ³⁰ Source: 2021 Justice Gap Measurement Survey; Q3: Do you think this problem was related to the COVID-19 pandemic or circumstances surrounding the COVID-19 pandemic? Response options: yes, no, not sure. For each set of individuals (differentiated by characteristics of their households), the percentage reported reflects the proportion of individuals among all those in the set who personally experienced at least one problem who indicated that at least one of their personally experienced problems was related to the COVID-19 pandemic. Note that "households with children < 12 yrs" are actually households with parents of children < 12 years old; it is possible that the children do not actually live in the same household.
- ³¹ Source: 2021 Justice Gap Measurement Survey.
- ³² Source: 2021 Justice Gap Measurement Survey; note that we consider a respondent's household to have "recent domestic violence" if the respondent indicated that they or someone else in the household had experienced a problem involving domestic violence in the past 12 months; note also that "households with children (<18 yrs)" are actually households with parents of children < 18 years old; it is possible that the children do not actually live in the same household.
- ³³ Note that several estimates related to seeking legal help in this section differ from those presented in NORC's technical survey report because our analysis includes some observations that were not included in the analysis informing that report; more specifically, we include cases where the respondent initially said they did not speak with a legal professional in Q5, but later indicated that they had unsuccessfully tried to speak a legal professional in Q6.
- ³⁴ Source: 2021 Justice Gap Measurement Survey; we count a respondent as having sought legal help for any problem for which they answered "yes" to Q5 or "I tried, but I wasn't able to talk to a legal professional" to Q6. Q5: At any time while you were dealing with this problem, did you do any of the following? Talk to a lawyer or legal professional about the problem. Response options: yes, no. Q6: Why haven't you talked to a lawyer or other legal professional about this problem? I tried, but I wasn't able to talk to a legal professional.



- 35 This finding is consistent with 2017 results but note that the 2017 Justice Gap report discussed problems related to children and custody as separate from other family matters.
- ³⁶ Source: 2021 Justice Gap Measurement Survey; 05 and 06 (see endnote 34).
- ³⁷ Source: 2021 Justice Gap Measurement Survey; Q8: What kind of legal help did you want when you decided to talk to a lawyer or other legal professional? Response options: learning where to look for legal information online; help filling out a legal document or form; handling communication with the other people involved in the issue (including demand letters); legal advice about your specific situation and what actions you should take; help negotiating with the other people involved in the issue; representation by a lawyer or other legal professional in court, including filing court documents; other; none of the above. Note: these estimates correspond only to the set of respondents who said that they spoke to a legal professional for a given problem in Q5; it does not include people who indicated that they tried to speak to someone but were not able to do so in Q6.
- 38 Source: 2021 Justice Gap Measurement Survey; Q10: As of today, have you been able to get as much legal help with this issue as you wanted? Response options: yes, no; base n=1,059 problems.
- ³⁹ Source: 2021 Justice Gap Measurement Survey; Q10 (see previous endnote); base n=635 problems.
- ⁴⁰ For more information about this survey-based measure of the justice gap including how it might underestimate or overestimate the justice gap – please see the additional information provided on the study website: justicegap.lsc.gov.
- ⁴¹ Reminder: As discussed in the "about the data" information for this section, the number of problems considered was capped at 10 problems per respondent; readers can find additional information on the study website: justicegap.lsc.gov.
- ⁴² This is based on items Q5 and Q6 in the 2021 Justice Gap Measurement Survey.
- ⁴³ This is based on item Q10 in the 2021 Justice Gap Measurement Survey.
- ⁴⁴ Source: 2021 Justice Gap Measurement Survey; additional details on how the survey-based estimates of the justice gap were produced can be found on the study website: justicegap.lsc.gov.
- ⁴⁵ Source: 2021 Justice Gap Measurement Survey; Q2 (see previous endnote).
- ⁴⁶ See NORC's 2021 Justice Gap Measurement Survey technical report for a discussion of the measurement strategy for these survey items, including a consideration of the utility of agreement scales in this case.
- ⁴⁷ Source: 2021 Justice Gap Measurement Survey; Q16 Q18: To what extent do you agree or disagree with the statement below? People like me are able to use the civil legal system to protect and enforce their rights; people like me are treated fairly in the civil legal system; the civil legal system can help people like me solve important problems like those discussed in this survey. Response options: strongly agree, somewhat agree, neither agree nor disagree; somewhat disagree; strongly disagree. Numbers do not total to 100% due to rounding and a small percent of respondents who did not provide a response.
- ⁴⁸ Source: 2021 Justice Gap Measurement Survey; Q15: How confident are you that you would be able find a lawyer or other professional that you could afford if you needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child? Response options: extremely confident, very confident, somewhat confident, not too confident, not at all confident. Numbers do not total to 100% due to rounding and a small percent of respondents who did not provide a response.
- ⁴⁹ Source: 2021 Justice Gap Measurement Survey; n=1264; Q6: Why haven't you talked to a lawyer or other legal professional about this problem? I was worried about the cost.
- ⁵⁰ Source: 2021 Justice Gap Measurement Survey; n=110* (*small base); Q11: Why haven't you gotten all the legal help you wanted? Too expensive to get more help.
- 51 Source: 2021 Justice Gap Measurement Survey; n=946; Q5: At any time while you were dealing with this problem, did you do any of the following? Talk to a lawyer or legal professional about the problem. Response options: yes, no.
- ⁵² Source: 2021 Justice Gap Measurement Survey; Q6, n=621 respondents; 38% and 33% of low-income Americans offered these reasons, respectively, to explain why they did not seek help for one or more of their COVID-attributed problems.



- 53 Source: 2021 Justice Gap Measurement Survey.
- ⁵⁴ Source: 2021 Justice Gap Measurement Survey; results regarding seeking legal help come from items Q5 and Q6; results regarding receiving any or enough help are based on the survey-based justice gap measure.
- ⁵⁵ Source: 2021 Justice Gap Measurement Survey; results regarding seeking legal help come from items Q5 and Q6; results regarding receiving any or enough help are based on the survey-based justice gap measure; note that "households with children (<18 yrs)" are actually households with parents of children <18 years old; it is possible that the children do not actually live in the same household.
- ⁵⁶ Note that these figures are based on the poverty guidelines for the 48 contiguous states and the District of Columbia; they are separate guidelines for Hawaii and Alaska.
- ⁵⁷ Source: 2022 Poverty Guidelines from the Department of Health and Human Services as published in the Federal Register (January 21, 2022), Vol. 87, No. 14 (https://www.govinfo.gov/content/pkg/FR-2022-01-21/pdf/2022-01166.pdf).
- ⁵⁸ Source: 2021 Justice Gap Measurement Survey; Q5: At any time while you were dealing with this problem, did you do any of the following? Talk to a lawyer or legal professional about the problem. Response options: yes, no.
- ⁵⁹ Source: 2021 Justice Gap Measurement Survey; this impact differential was calculated by subtracting the percent seeking help for problems with less impact from the percent seeking help for problems with substantial impact for each income group. See Table 5B for the numbers used in the calculation.
- ⁶⁰ Source: 2021 Justice Gap Measurement Survey; additional details on how the survey-based estimates of the justice gap were produced can be found on the study website: justicegap.lsc.gov.
- ⁶¹ Source: 2021 Justice Gap Measurement Survey; this impact differential was calculated by subtracting the survey-based justice gap measure for problems with less impact from the survey-based justice gap measure for problems with substantial impact for each income group. See Table 5C for the numbers used in the calculation.
- ⁶² Source: 2021 Justice Gap Measurement Survey; Q2: *In your opinion, is this a type of problem that a lawyer or other legal professional could help resolve?* Response options: yes, no, not sure.
- ⁶³ Source: 2021 Justice Gap Measurement Survey; Q16 Q18: To what extent do you agree or disagree with the statement below? People like me are able to use the civil legal system to protect and enforce their rights; people like me are treated fairly in the civil legal system; the civil legal system can help people like me solve important problems like those discussed in this survey. Response options: strongly agree, somewhat agree, neither agree nor disagree; somewhat disagree; strongly disagree. See NORC's 2021 Justice Gap Measurement Survey technical report for a discussion of the measurement strategy for these survey items. Figure reports percent saying they strongly agree or somewhat agree.
- ⁶⁴ Source: 2021 Justice Gap Measurement Survey; Q15: How confident are you that you would be able find a lawyer or other professional that you could afford if you needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child? Response options: extremely confident, very confident, somewhat confident, not too confident, not at all confident. Figure reports percent saying they are at least somewhat confident.
- ⁶⁵ Source: 2021 Justice Gap Measurement Survey; Q3: Do you think this problem was related to the COVID-19 pandemic or circumstances surrounding the COVID-19 pandemic? Response options: yes, no, not sure. n=1,466 for <=125% of FPL, n=549 for >=400% of FPL.
- ⁶⁶ Source: 2021 Justice Gap Measurement Survey; additional details on how the survey-based estimates of the justice gap were produced can be found on the study website: justicegap.lsc.gov.
- ⁶⁷ Source: 2021 Justice Gap Measurement Survey; Q15: How confident are you that you would be able find a lawyer or other professional that you could afford if you needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child? Response options: extremely confident, very confident, somewhat confident, not too confident, not at all confident. Figures in this snapshot reflect the percent saying they are at least somewhat confident.
- ⁶⁸ Source: 2021 Justice Gap Measurement Survey; see previous endnote. Also note that "households with children (<18 yrs)" are actually households with parents of children < 18 years old; it is possible that the children do not actually live in the same household.



- ⁶⁹ Note that while the overwhelming majority of individuals served by LSC-funded organizations have household incomes at or below 125% of FPL, LSC regulations allow funds to be used to serve individuals with incomes up to 200% of FPL; see 45 CFR § 1611.5(a) (3) and (4).
- ⁷⁰ For information about current statutory and regulatory restrictions on the use of LSC funds, please see the overview on LSC's website: https://www.lsc.gov/about-lsc/laws-regulations-and-guidance/lsc-restrictions-and-other-funding-sources.
- ⁷¹ It is important to note that, for the purposes of this analysis and report, we exclude requests for assistance that were not accepted due to conflicts of interest. These cases are technically "eligible" based on the criteria presented in this report, but LSC-funded organizations are nonetheless unable to serve them due to conflicts of interest. These cases constitute a very small portion of the overall requests for assistance. Note that other LSC publications include these cases in their analysis and estimates and therefore might have slightly different estimates.
- ⁷² Throughout this section, all counts and estimates include "pending" cases; organizations have determined that these cases were eligible for assistance, but had not yet determined whether or how much service the cases would receive. There were 17,730 pending cases (out of a total of 146,724 eligible cases). For the purpose of this analysis, these cases were distributed proportionately across service categories.
- 73 Source: LSC's 2021 Intake Census.
- 74 Source: LSC's 2021 Intake Census.
- ⁷⁵ For example, see Figure 4.2A in LSC's 2020 "By the Numbers" publication; Lim, L., Layton, J., Abdelhadi, S., Bernstein, D., Ahmed, R. 2021. *LSC By the Numbers: The Data Underlying Legal Aid Programs* (2020). Legal Services Corporation, Washington, D.C.
- ⁷⁶ LSC-funded organizations conduct comprehensive legal needs assessments in their communities on a regular basis to inform these guidelines.
- ⁷⁷ Source: LSC's 2021 Intake Census. These figures reflect only the cases for which the level of service was determined (i.e., pending cases are not included).
- 78 Source: LSC's 2021 Intake Census.
- ⁷⁹ Source: LSC's 2021 Intake Census; the counts and estimates are rounded to the nearest thousand. Annual estimates are projected counts for the entire year, assuming that the intake census four-week period represents a typical four-week period for intake activity. The annual estimates were produced this way: (count) x (52.14/4) = annual estimate.
- ⁸⁰ Source: Lim, L., Layton, J., Abdelhadi, S., Bernstein, D., Ahmed, R. 2021. LSC By the Numbers: The Data Underlying Legal Aid Programs (2020). Legal Services Corporation, Washington, D.C.
- 81 The information corresponding to the cases, households, and individuals served by LSC-funded organizations in 2021 comes from LSC's preliminary analysis of 2021 Grantee Activity Report (GAR) data. GAR is the largest and longest-running data collection effort on civil legal aid in the United States. Since 1976, LSC has recorded and reported data from grantees in a variety of ways. Topics include grantee staffing, finances, case services, and more. Data collection occurs in the first quarter of each year. LSC reports GAR data in its annual "By the Numbers" publication; the 2021 publication is forthcoming. The information about the Rural Summer Legal Corps program comes from: Lim, L., Layton, J., Abdelhadi, S., Bernstein, D., Ahmed, R. 2021. LSC By the Numbers: The Data Underlying Legal Aid Programs (2020). Legal Services Corporation, Washington, D.C.







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TAB 19

THE CAUSES, CONSEQUENCES, AND OUTLOOK OF THE COURT REPORTER SHORTAGE IN CALIFORNIA AND BEYOND

Prepared for California Trial Court Consortium

January 25, 2022

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1. INTRODUCTION

The purpose of this project is to investigate the dynamics of the court reporter market to inform court leaders in their decision-making process. This report has been prepared for the California Trial Court Consortium (CTCC) whose membership includes all courts in California with 38 judges or fewer. The report examines the industry changes, educational challenges, and statutory obligations that affect court reporting in the United States at large and California in particular. With this foundation, the report then presents research findings from an original survey regarding court reporters in 41 small, small/medium, and medium/large courts throughout California. The data indicate that courts struggle with a significant deficit between the shorthand reporting services they need and what they can access. This shortage persists despite paying competitive wages, directly inviting and incentivizing court reporters to apply for open positions, and spending increasing time and funds on recruitment. Many courts have adjusted their operations and worked creatively to meet their statutory obligations to provide court reporters. This report is intended to support courts in their staffing strategies and help to contextualize the issue statewide.

2. BACKGROUND

Capturing and preserving the official written record of court proceedings is critical to the administration of justice. Transcripts are used by attorneys in cross-examinations, reread to jurors during deliberation, and without one, an appeal may not be possible. The importance of having a verbatim record available to everyone is outlined in California Government Code § 68086, which states that parties who qualify for fee waivers in court filings are also entitled to having fees waived for an official court reporter at their hearing or trial. This principle was also reaffirmed in *Jameson v. Desta*.

Traditionally, the record is composed by a court reporter, also known as a stenographer or shorthand reporter. This profession traces back to 63 B.C. when Marcus Tullius Tiro created the first shorthand system to transcribe and dictate for Roman philosopher and lawyer Cicero. Nearly two millennia after Tiro and with numerous edits throughout that era, English shorthand was introduced in the United States in the late 1800s. Court reporters have been operating off of this system since, which was automated with the advent of the first commercial stenotype machine in 1906.⁵

In the 21st century, court reporting is more technically advanced than it was 100 years ago, but the principle is the same, and the record continues to be captured via the stenotype machine.

¹ Santa Clara County Environmental Health Assn. v. County of Santa Clara (1985) 173 Cal. App. 3d 74, 83-84

² Mountain Lion Coalition v. Fish & Game Com. (1989) 214 Cal. App. 3d 1043, 1051

³ The Organization and Government of Courts, 8 C.G.C. § 68086,

https://leginfo.legislature.ca.gov/faces/codes displaySection.xhtml?lawCode=GOV§ionNum=68086 (as of October 19, 2021).

⁴ Jameson v. Desta (2018) 420 Cal.3d 746.

⁵ Brooks Court Reporting, "The History of Court Reporting and Stenography" (no date), https://brookscourtreporting.com/the-history-of-court-reporting-and-stenography/ (as of October 18, 2021).

While there has been some shift nationally in recent years toward alternative record-making means such as digital or electronic recording, as discussed later in this report, recent legislation has increased the demand for stenographic court reporters in California courts. Unfortunately, this has occurred while the court reporter workforce has declined at an increasing rate. This combination of trends has created a problem for the courts that demands immediate attention by court leaders.

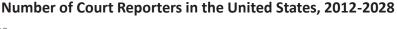
3. THE SHIFTING COURT REPORTER INDUSTRY

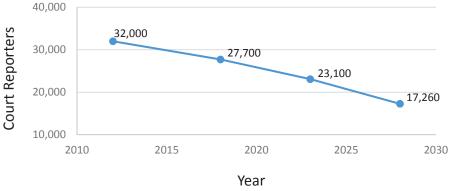
In 2014, the National Court Reporters Association (NCRA) sounded the alarm about the future of court reporting based on findings from their commissioned Industry Outlook Report by Ducker Worldwide. Since then, what is broadly known as the Ducker Report has served as a gauge for the court reporting industry's decline. Some courts and law firms around the country have shifted to electronic recording and alternative record-making media to accommodate the court reporter shortage, but the gap between stenographer supply and demand persists.

3.1 Nationwide Labor Shortage

Since 2012, the number of court reporters in the United States has decreased by over 20 percent. By 2028, it will have decreased by half.⁷

Figure 1.





Source: Speech to Text Institute (2019)

This downward trend is, in part, caused by the stenographer workforce aging out: the average court reporter is 55 years old. As a result, every year, the court reporting industry loses 82 percent more workers than it gains. While approximately 1,120 stenographers retire, at most 200 enter the market—a labor decrease of 920 reporters every year.

⁶ Ducker Worldwide, *2013-2014 Court Reporting Industry Outlook Report* (2014), National Court Reporters Association, https://projectsteno.org/wp-content/uploads/2018/08/Ducker-report.pdf (as of October 18, 2021).

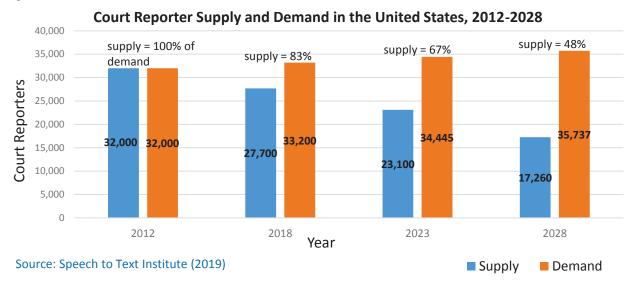
⁷ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 7.

⁸ National Court Reporters Association, "NCRA Statistics," (March 31, 2021) https://www.ncra.org/home/about-ncra/NCRA-Statistics (as of October 12, 2021).

⁹ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 3.

As labor decreases, demand for court reporters increases. The Speech to Text Institute estimates 3.75 percent growth in need every five years. ¹⁰ The Bureau of Labor Statistics (BLS) estimates that 2,100 court reporter jobs open annually. ¹¹ As of 2018, the supply of active court reporters in the United States failed to meet the total demand. By 2028, court reporter vacancies are expected to outnumber the court reporter population completely. ¹²

Figure 2.



With the constantly shrinking supply of stenographers to take increasingly available jobs, the courts are forced to compete more, with one another and private industry, to fulfill their essential reporting needs. This is especially difficult given that official court reporters are in the minority of the stenographer industry at large: more than 70 percent of court reporters nationwide work outside of the court.¹³

3.2 The Decline of Court Reporter Schools

As of 2021, there were 45 accredited court reporting schools in the United States. 14

¹⁰ Speech to Text Institute, The Tipping Point: A Predictive Analysis of the Stenographer Shortage (2019), p. 6.

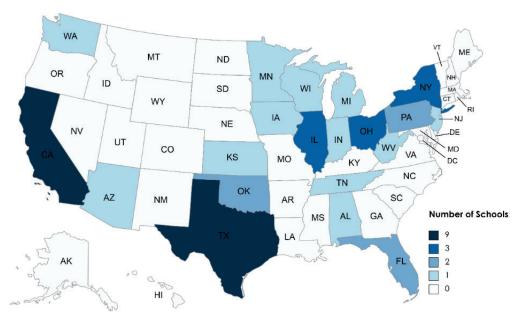
¹¹ Bureau of Labor Statistics, "Court Reporters and Simultaneous Captioners," *Occupational Outlook Handbook* (September 8, 2021) https://www.bls.gov/ooh/legal/court-reporters.htm#tab-1 (as of October 12, 2021).

¹² Speech to Text Institute, The Tipping Point: A Predictive Analysis of the Stenographer Shortage (2019), p. 7.

¹³ National Court Reporters Association, "Court Reporter Career Paths," (no date) https://www.ncra.org/home/professionals-resources/professional-advantage/Court-Reporting (as of October 14, 2021).

¹⁴ Stenograph, "Court Reporting and Related Program Listing," (2021) https://www.stenograph.com/court-reporting-school (as of October 14, 2021). Only currently operational schools accredited by the U.S. Department of Education were counted.

Figure 3.



Source: Stenograph (2021)

Only 20 states have any schools and 12 of those have only one. Texas and California are each home to one-fifth of all accredited court reporting schools in the U.S., but geographically, schools are primarily spread out across the eastern half of the country. 18 schools are partially or fully online.

Of the 45 total, 26 are approved by NCRA. ¹⁵ NCRA approval is not accreditation, but it is a special designation for schools that have been tested for higher standards than non-approved schools. Of NCRA's 26 currently approved schools, three are in teach-out and no longer accepting new students; they will remain operational for only as long as it takes their existing students to finish their programs. ¹⁶

In less than a decade, from 2012 to 2021, NCRA-approved schools more than halved, falling from 54 to 26. One such school, Brown College of Court Reporting in Atlanta, was the only court reporting school in Georgia until it closed in 2019.¹⁷ Between 2012 and 2017, NCRA-approved schools experienced a 3,800 student decrease (68 percent) in enrollment from 5,600 to 1,800.¹⁸ Presently, experts estimate that no more than 2,500 students are enrolled in court reporting school nationwide, NCRA-approved or otherwise.¹⁹

¹⁵ National Court Reporters Association, "NCRA-Approved Court Reporting Schools," (2021) https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs (as of October 14, 2021).

¹⁶ National Court Reporters Association, 2019 Annual School Report (2019).

¹⁷ Hayley Mason, "Georgia's only certified court reporting college set to close," CBS 46 (October 2, 2019), https://www.cbs46.com/news/georgias-only-certified-court-reporting-college-set-to-close/article_9b34cf68-e568-11e9-bad9-abb117cddccf.html (as of October 15, 2021).

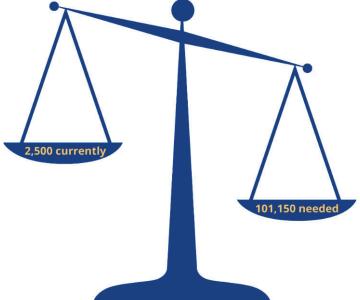
¹⁸ National Court Reporters Association, NCRA Annual School Report FY 2016 and FY 2017 (2017), p. 5.

¹⁹ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 5.

Attempting to quell steep enrollment decline, some in the court reporting industry have invested considerable resources into recruiting new students. Project Steno, an organization dedicated solely to this cause, incentivizes students with the opportunity to earn two \$1,000 awards for progressing through their first and second years of school. The organization also has a program for people potentially interested in court reporting, a six-week course that teaches the basics at no cost to the participant. Project Steno's website, like many court reporting career websites, heavily emphasizes the high wages that in-demand court reporters can earn. ²¹

Despite these aggressive strategies, student recruitment alone is not likely to meet the overwhelming demand for court reporters. The student shortage is not simply a lack of enrollment, but also startlingly low school retention and graduation rates. For every ten students who begin court reporting school, only one—at most—graduates.²² This trend means that schools must recruit at least ten students to produce a single stenographer who successfully graduates, becomes certified, and enters the workforce. Considering the current total shortage of 8,275 court reporters,²³ schools would have needed to recruit at least 82,750 students two years ago to now be graduated and entering the market. Since that did not happen, and if recruitment began today, schools would need to enroll at least 101,150 students for 10,115 to enter the workforce in 2023. For comparison, actual enrollment in 2019 totaled 2,500 students.





Source: Speech to Text Institute (2019)

²⁰ Project Steno, "Getting Started," (no date), https://projectsteno.org/students/ (as of October 14, 2021).

²¹ Project Steno, "Better than a 4-Year College," (no date), https://projectsteno.org/about/ (as of October 14, 2021).

²² Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 4.

²³ Calculated based on 200 entering the workforce and 920 leaving the workforce annually. See Figure 2.

The current student population is less than 2.5% of the need. These calculations are based only on the current demand, but demand is growing as the labor force is shrinking.

4. COURT REPORTING IN CALIFORNIA

The court reporting crisis is worse in California than in any other state. It is caused by several factors, including few schools, the difficult academic and licensing process required to become a court reporter, and statutory obligations requiring the widespread use of court reporters.

4.1 Decreasing and Declining Schools

California's status is consistent with the troubling trends nationwide. Despite California being one of the most equipped states in terms of its total number of schools (see Figure 3), enrollment rates and active schools continuously decrease. Court reporting program locations in this state have reduced by 44 percent in the last decade, from 16 in 2011 to 9 in 2021.²⁴ Only one California school is NCRA-approved.²⁵

Figure 4.

2011 2021



















































*Some programs appear twice to represent two different locations.

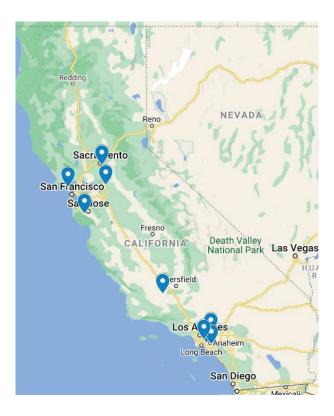
Source: Court Reporters Board of California (2011) (2021)

The schools currently operating in California are also concentrated in population centers, while other parts of the state have no schools within hundreds of miles:

²⁴ California Court Reporters Association, "Court Reporting Schools" (2021), https://www.cal-ccra.org/court-reporting-schools (as of October 14, 2021).

²⁵ National Court Reporters Association, "NCRA-Approved Court Reporting Schools," (2021) https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs (as of October 14, 2021).

Figure 5.



Further, not all of these schools are performing equally. In the most recently administered dictation examination for licensure (see Section 4.2.1 for a full description), applicants were unevenly represented from schools across the state. Some schools had as few as zero applicants, while South Coast College dominated the list with more than a third of testers. Another 11 percent came from now-defunct schools.²⁶

The California court reporting education network is growing smaller, less uniform, and less stable. Some programs that have closed in recent years have done so abruptly, like Sage College in Moreno Valley. In early 2017, Sage College court reporting students returned to campus after winter break to learn that their school was out of business with no accommodations in place for them to finish their education or be repaid thousands of dollars of tuition.²⁷ Sage's closing was due to their accrediting agency, the Accrediting Council for Independent Colleges and Schools (ACICS), being derecognized by the Department of Education.²⁸ South Coast College, which was also accredited by ACICS, was able to recover and gain accreditation elsewhere.²⁹

²⁶ Court Reporters Board, *Dictation Examination Statistics – Jul 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/stats 202107.pdf (as of October 15, 2021).

²⁷ Leticia Juarez, "Sage College in Moreno Valley suddenly closes," *ABC 7* (January 3, 2017), https://abc7.com/sage-college-closes-moreno-valley-riverside-county-career/1685242/ (as of October 15, 2021).

²⁸ Rebecca Turley, "Accrediting Agency Blamed for Closing of Court Reporter College," *Court Reporter EDU* (April 29, 2021), https://www.courtreporteredu.org/2017/01/accrediting-agency-blamed-for-closing-of-court-reporter-college/ (as of October 15, 2021).

²⁹ Database of Accredited Postsecondary Institutions and Programs, "South Coast College," *U.S. Department of Education* (no date), https://ope.ed.gov/dapip/#/institution-profile/106704 (as of October 15, 2021).

Meanwhile, Bryan College, another program removed from California's roster as of 2013, did not close entirely but restructured to an online format based in Arizona which created concerns for students invested in in-person instruction.³⁰

These abrupt closures may be having some impact on depressing student interest in the profession.

4.2 The Difficulty of Becoming a Court Reporter

It is uniquely difficult to become a court reporter in California. This state is one of 28 in the country that requires licensure to work as a court reporter, also known by the state as a certified shorthand reporter (CSR).³¹

4.2.1 EXAMS

Most states that mandate certification have only one exam required for licensure, but California has three. All three exams regularly yield low pass rates, but far more students fail dictation—the most specialized test—than pass. Moreover, the number of applicants attempting and passing the dictation exam has fallen in recent years:

Figure 6.

Average Number of Passes per Dictation Exam Conducted, 2008-2021



The dictation exam passage rate fluctuates each year, but in 2021, the average pass rate was 21 percent.³² In 2018, it was 8 percent.³⁴

³⁰ Kevin Oliver, "Students fear online courses after Bryan College restructuring," *KCRA 3* (June 5, 2013), https://www.kcra.com/article/students-fear-online-courses-after-bryan-college-restructuring-1/6405273 (as of October 15, 2021).

³¹ College of Court Reporting, "State Requirements," (no date), http://www.ccr.edu/index.php/48-states (as of October 15, 2021).

³² Court Reporters Board of California, *Dictation Examination Statistics – Mar 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/stats 202103.pdf (as of December 23, 2021).

³³ Court Reporters Board of California, *Dictation Examination Statistics – Jul 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/stats 202107.pdf (as of December 23, 2021).

³⁴ Court Reporters Board of California, *Meeting of the Court Reporters Board* (November 20, 2020), p. 38, https://www.courtreportersboard.ca.gov/about-us/20201120 agenda packet.pdf (as of December 23, 2021).

The other two required exams, English and professional practice, yield higher passage rates than dictation, but also do not consistently produce new court reporters. Between March and June 2021, 60 percent of test-takers passed the English exam and 61 percent passed professional practice.³⁵ Regardless, without passing all three, an applicant cannot be licensed to work as a CSR in California.

In fiscal year 2019-2020, the Court Reporters Board of California (CRB) issued licenses to 66 new court reporters.³⁶ In fiscal year 2020-2021, there were 39 new court reporters.³⁷ Compared to California's shortage, the average of 52.5 new court reporters each year is not nearly enough to make up for the demand (see Figure 9).

4.2.2 RECIPROCITY

California does not make exceptions in its requirements even for certified court reporters relocating from other states. In 2020, Assembly Bill 2185 attempted to require CRB to issue reciprocal licenses to court reporters in good standing from other certification-requiring states.³⁸ The bill failed.

In May 2020, CRB was approached by the Texas Judicial Branch Certification Commission (JBCC), who requested that California extend reciprocal licensure to court reporters certified in Texas. CRB then created a Reciprocity Task Force which has since explored the matter, but has not yet made any formal recommendations.³⁹ As of January 2022, Texas offers reciprocity for 18 states, including California, but California has not responded in kind.⁴⁰

Since CRB does not currently offer reciprocity to any other state, court reporters relocating to California must undergo California's licensing and examination process regardless of their experience.

4.2.3 CONTINUING EDUCATION

In addition to disparities between California's licensure mandates and other states', there are also differences among the requirements for California's own CSRs. In this state, only *official* court reporters are obligated to maintain continuing education hours; freelance reporters and others are

³⁵ Court Reporters Board of California, *Examination Statistics – Mar 1, 2021 Thru June 30, 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/examstats 0321 0621.pdf (as of October 15, 2021).

³⁶ Retrieved from FY 2020-2021 annual report. Staff contacted CRB via phone and their representative shared the statistic.

³⁷ Retrieved from FY 2020-2021 annual report. Staff contacted CRB via phone and their representative shared the statistic.

³⁸ A.B. 2185, 2020, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2020).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill id=201920200AB2185 (as of October 15, 2021).

³⁹ Court Reporters Board of California, *Minutes of Open Session* (May 21, 2020),

https://www.courtreportersboard.ca.gov/about-us/20200521 minutes.pdf (as of October 18, 2021).

⁴⁰ Texas Judicial Branch, "List of Substantially Equivalent States for Certification by Endorsement" (December 23, 2020), https://www.txcourts.gov/jbcc/court-reporters-certification/initial-certification/list-of-substantially-equivalent-states/ (as of January 7, 2022).

not.⁴¹ This requirement, beyond the shortage of CSRs generally, is another challenge to recruiting stenographers to work for the courts in particular. Recognizing the imbalance and advocating for universal standards to ensure excellence, legislators—with the support of the California Court Reporters Association—attempted to pass bills requiring all CSRs to participate in continuing education in 2008,⁴² 2011,⁴³ and 2015.⁴⁴ Every bill was vetoed.

4.3 Statutory Limitations

California's unmet need for CSRs is due not only to a decreasing workforce, but also because of the state's requirements for using CSRs rather than alternative record-capturing methods. These limitations are broadly established and enforced by statute.

4.3.1 REMOTE REPORTING

Remote reporting could potentially mitigate California's stenographer shortage. In areas where CSRs are not available, remote reporting would enable reporters to provide their services without traveling significant distances. In 2019, however, legislation passed banning courts from using remote reporting to create the official record and using any funds to purchase equipment to facilitate remote reporting. The same law approved a pilot remote reporting project at Santa Clara Superior Court and required the Court to deliver a report on the pilot. The Legislature has since received this report but has taken no additional action on the remote reporting ban. In 2020, an exception was made for depositions, which are now permitted to be remotely reported, but this caveat does not address the shortage of *official* reporters since depositions are reported by CSRs working in the private sector. The sector of the private sector of the private sector.

Currently, remote reporting is temporarily allowed in criminal proceedings as a result of the State of Emergency caused by the COVID-19 pandemic. California Rules of Court, emergency rule 3 allows for widespread remote proceedings in criminal proceedings on the order of the Court, and remote proceedings include remote reporting.⁴⁸ Remote reporting in all proceedings was permitted

⁴¹ Judicial Council of California, "2021 Rules of Court – Rule 10.474. Trial court managers, supervisors, and other personnel" (2021), https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10 474 (as of October 18, 2021).

⁴² A.B. 2189, 2008, 2007 Biennium, 2007-2008 Reg. Sess. (Calif. 2008).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200720080AB2189 (as of October 18, 2021). 43 S.B. 671, 2011, 2011 Biennium, 2011-2012 Reg. Sess. (Calif. 2011).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB671 (as of October 18, 2021). 44 A.B. 804, 2015, 2015 Biennium, 2015-2016 Reg. Sess. (Calif. 2015).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill id=201520160AB804 (as of October 18, 2021).

⁴⁵ A.B. 253, 2019, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2019). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill id=201920200AB253 (as of October 18, 2021).

⁴⁶ S.B. 1146, 2020, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2020).

https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill id=201920200SB1146 (as of October 18, 2021).

⁴⁷ Although depositions may be remotely reported, they are still not permitted to be electronically recorded. In 2014, AB 2006 attempted to allow video recordings in lieu of court reporting in depositions, but it was strongly opposed and ultimately died.

⁴⁸ 2021 California Rules of Court, Appendix I, Emergency Rules Related to COVID-19, Emergency rule 3(a): Remote appearances. (2020). https://www.courts.ca.gov/documents/appendix-i.pdf (as of October 18, 2021).

under emergency rule 3 from its adoption on April 6, 2020 until December 31, 2021, but on November 19, 2021, the Judicial Council of California amended emergency rule 3 effective January 1, 2022 to remove civil proceedings from the scope of the rule and to affirm that the rule continues to apply only to criminal proceedings. The Emergency Rule will remain in place until 90 days after the Governor lifts the COVID-19 State of Emergency or until the Rule is modified by the Judicial Council.

In September 2021, Senate Bill 241 was chaptered, which statutorily permits civil conferences, hearings, proceedings, and trials to be conducted remotely from January 1, 2022 until July 1, 2023.⁴⁹ However, the same law states that in civil trials, the court reporter must be physically present in the courtroom even if all other proceedings are taking place remotely. Meanwhile, the same authorization for non-civil proceedings has not been granted in statute.

The current accommodations for remote reporting, especially emergency rule 3, are not guaranteed to stay in place beyond the pandemic. There will, however, likely be pressure applied to the courts in the future when court users, now accustomed to these services, are informed that remote reporting is no longer available.

4.3.2 ELECTRONIC RECORDING AND DIGITAL REPORTING

Electronic recording (ER), another option that can limit the burden on the court reporter workforce, is also strictly regulated in California. Under Government Code 69957, ER is permissible in three case types: limited civil, misdemeanors, and infractions, and only if a CSR is unavailable.⁵⁰

Electronic recording has not always been so restricted. Before Senate Bill 1102 was passed in 2004, most courts used ER in all family departments.⁵¹ After that bill was chaptered, Assembly Bill 251⁵² in 2013 and Assembly Bill 1834⁵³ in 2016 proposed adding family law back to the list of case types for which ER is allowed. Both bills failed passage. In 2021, the Legislature, rather than expanding electronic recording or remote reporting authorization, earmarked \$30 million via Senate Bill 170 to support funding additional court reporters in family and civil cases.⁵⁴ This funding does not address the underlying labor shortage issue, however, and instead increases demand for CSRs in the courts without affecting supply.

⁴⁹ S.B. 241, 2021, 2021 Biennium, 2021-2022 Reg. Sess. (Calif. 2021).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB241 (as of October 19, 2021).

⁵⁰ The Organization and Government of Courts, 8 C.G.C. § 69957.

https://leginfo.legislature.ca.gov/faces/codes displaySection.xhtml?lawCode=GOV§ionNum=69957. (as of October 18, 2021).

⁵¹ S.B. 1102, 2004, 2003 Biennium, 2003-2004 Reg. Sess. (Calif. 2003).

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB1102 (as of October 18, 2021). ⁵² A.B. 251, 2013, 2013 Biennium, 2013-2014 Reg. Sess. (Calif. 2013).

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB251 (as of October 18, 2021).

⁵³ A.B. 1834, 2016, 2015 Biennium, 2015-2016 Reg. Sess. (Calif. 2016).

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1834 (as of October 18, 2021). 54 S.B. 170, 2021, 2021 Biennium, 2021-2022 Reg. Sess. (Calif. 2021).

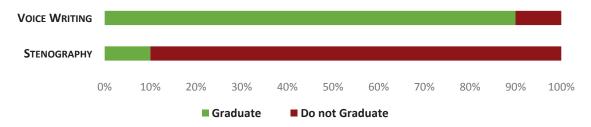
 $[\]underline{\text{https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill } id=202120220SB170} \text{ (as of October 18, 2021)}.$

ER is used extensively in many state trial court systems including Alaska, Colorado, Florida, Indiana, Kentucky, New Hampshire, Ohio, and more. Other states have adopted similar technologies to address their court reporter shortages. In South Carolina, courts managed to increase court reporter staff by 13 percent by partnering with a community college to train digital court reporters. Similar to ER, digital court reporting involves using ER equipment which is monitored by a digital court reporter who takes notes and manages the recording. A transcription is produced later with that recording. Like ER, California statute has no allowance for digital court reporting.

4.3.3 VOICE WRITING

California is one of few states that requires official court reporters to be stenographers exclusively as opposed to voice writers. Voice writing, a method where a court reporter speaks into a noise-canceling mask in the courtroom and repeats every word spoken in a proceeding rather than typing them, is a much more attainable skill than stenography. Voice writing school takes approximately four to six months compared to two years for stenography, and the graduation rate for voice writers is approximately 90 percent compared to 10 percent for stenography.⁵⁷

Figure 7.



Source: Court Reporters Board of California (2018)

Official court reporters are authorized to practice voice writing in the state courts for 42 states. This method is also permitted in all federal courts, military courts, and Congress. ⁵⁸ Moreover, CRB advocates for voice writing. In September 2018, the Board voted in favor of licensing voice writers; they found that no statutory changes were needed to be able to do so under the language

⁵⁵ Court Statistics Project, "Trial Record" https://public.tableau.com/shared/RNFWCC4WB?:showVizHome=no (as of January 24, 2022).

⁵⁶ Haley Walters, "There's a shortage of court reporters. Here's how SC is responding to it." *Greenville News* (December 2, 2020), https://www.greenvilleonline.com/story/news/2020/12/02/adapting-and-expanding-how-sc-filling-demand-court-reporters/6234141002/ (as of January 24, 2022).

⁵⁷ Court Reporters Board of California, *Minutes of Open Session* (July 19, 2018), p. 10 & 18, https://www.courtreportersboard.ca.gov/about-us/min-20180719.pdf (as of October 21, 2021).

⁵⁸ National Verbatim Reporters Association, "Where Voice Writers Practice" (no date), https://nvra.org/page/WhereVWPractice (as of October 21, 2021).

of BPC § 8017.⁵⁹ ⁶⁰ In February 2019, CRB announced that it was ready to administer the certification exam to voice writers in the summer.⁶¹ However, Assembly Bill 1520 was introduced only a week later, which explicitly prohibited CRB from licensing voice writers.⁶² The bill was signed by the Governor in October 2019 and took effect January 2020 as BPC § 8016.5.⁶³ Since court reporting services are mandated to be certified by CRB, and CRB's authority to do so is limited by statute, voice writing is currently unavailable to California's market.

4.4 Supply and Demand

Considering California's aging-out workforce, declining court reporter education system, and statutory and professional rules, it is logical that the number of court reporters in this state consistently trends downward. In the past seven years, actively licensed court reporters have decreased by nearly **twenty percent**.

Figure 8.



Moreover, of CRB's 5,728 active licensees, only 5,043 of them have addresses registered in California: 685 live in another state or country full or part-time.⁶⁴ Given the statutory ban on remote reporting, it is safe to assume that these licensees—more than ten percent of the total—

⁵⁹ Court Reporters Board of California, *Minutes of Open Session* (September 17, 2018), https://www.courtreportersboard.ca.gov/about-us/20180917 minutes.pdf (as of October 21, 2021).

⁶⁰ California Business and Professions Code, Professions and Vocations Generally, Article 2 § 8017, https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://leginfo.legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=BPC&division=3.&title=2">https://legislature.ca.gov/faces/codes-displayText.xhtml?lawCode=3">https://legislature.ca.

⁶¹ Court Reporters Board of California, *News Release. Coming Soon to California: Voice Writing* (February 14, 2019), https://thedcapage.blog/wp-content/uploads/2019/02/CRB-Press-Release-Voice-Writing.pdf (as of October 21, 2021).

⁶² A.B. 1520, 2019, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2019).

https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200AB1520 (as of October 21, 2021).

63 California Business and Professions Code, Professions and Vocations Generally, Article 2 § 8016.5,

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2 (as of October 21, 2021).

⁶⁴ Department of Consumer Affairs, "Public Information – Licensee Lists Overview" (2021), https://dca.ca.gov/consumers/public info/index.shtml (as of October 18, 2021).

are not available to work in California full time, whether as a freelancer or an official court reporter.

Figure 8 captures the number of licensed court reporters statewide, not official court reporters employed by the Judicial Branch. As of December 2021, 1,202 certified shorthand reporters are employed by the California Judicial Branch. This equals less than a quarter (23.8 percent) of the active licensees with addresses registered in California, and that trend is consistent with or lower than the national average of less than 30 percent of shorthand reporters working for the courts. 66

Moreover, the decreasing workforce is not the lone factor in California's court reporter shortage. While the number of active licensees dwindles, the need for court reporters also grows larger. The difference between supply and demand presents an imbalance that is expected to worsen in the future:

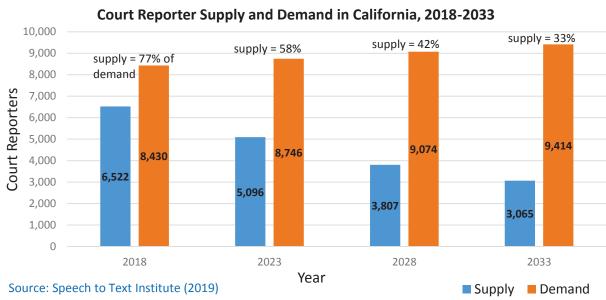


Figure 9.

Lack of supply is widespread throughout the country, but California is exceptionally disadvantaged. The supply of stenographers relative to demand is at least six percent lower in California than the national average (See Figure 2). California's gap between supply and demand is also greater than any other individual state's—and it is not due simply to California's large population. This shortage is the worst proportionately. By 2023, Texas, New York, and Illinois

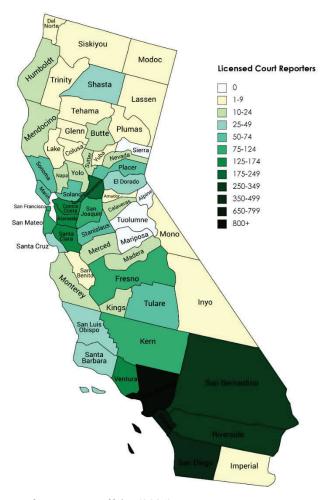
⁶⁵ Judicial Council of California (2021).

⁶⁶ National Court Reporters Association, "Court Reporter Career Paths," (no date) https://www.ncra.org/home/professionals_resources/professional-advantage/Court-Reporting (as of October 14, 2021).

are projected to have between 68 and 70 percent supply.⁶⁷ In the same year, California will have less than 60 percent supply.

California's situation is unique also because of the state's expansive size and urban-rural divide. Court reporters are in demand in every county, but they are not present in every county.

Figure 10.



Source: California Department of Consumer Affairs (2021)

These differences in supply between counties are, to a point, reflective of the demand in those counties. However, in areas where there are very few—even zero—court reporters, demand is still growing. Consider counties such as Shasta, which is surrounded by counties with nine or fewer court reporters and has only 34 itself.⁶⁸

⁶⁷ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 9.

⁶⁸ Department of Consumer Affairs, "Public Information – Licensee Lists Overview" (2021), https://dca.ca.gov/consumers/public info/index.shtml (as of October 18, 2021).

5. EFFECTS ON TRIAL COURTS

In an effort to understand the effects of the court reporter problem on California courts, the California Trial Court Consortium created and conducted a survey on small, small/medium, and medium/large courts' court reporting operations. The survey was sent via email to 43 potential participants and 41 responded, a response rate of 95%. Participating courts submitted their survey responses between November and December 2021, and CTCC researchers followed up with 13 participants via phone or email to clarify their responses and ensure that all data were interpreted accurately. The full survey instrument is attached in Appendix A; the methodology description is attached in Appendix B. The survey sample is visualized in Figure 11:

Figure 11.



The data indicate that the court reporter shortage—and more so, the shortage of court reporters willing to work for the courts—broadly affects court operations throughout California, despite efforts to compete with private employers to incentivize and recruit CSRs.

5.1 Court Reporter Vacancies and Deficits

Sample-wide at the time of the survey, there were 208.85 FTE positions filled at the courts and another 49 vacancies; thus there were 257.85 FTE positions in the participant courts. This is an overall vacancy rate of 19 percent, but at the individual court level, the survey found vacancy

rates as high as 74 percent and as low as 0 percent. Within the counties represented in this sample, there are 798 active CSR licensees. ⁶⁹ Based on these data, the courts employ 26 percent of licensees in their counties and would employ, if all positions were filled, 32 percent of licensees. This is consistent with the ongoing national trend of more than 70 percent of shorthand reporters working outside of the courts, and some in the industry believe this divide will continue to widen in the future. ⁷⁰

The 19% vacancy rate is not a short-term issue, based on the time it takes courts to fill vacancies (when vacancies are filled; some go unfilled completely and are not included in this calculation):

Figure 12.

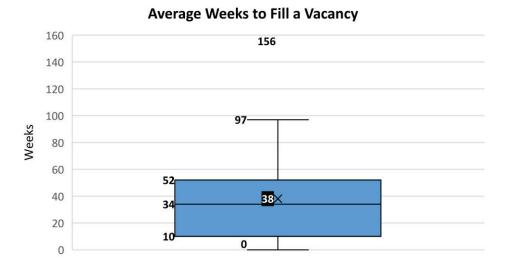


Figure 12 indicates that on average sample-wide, it takes a court 38 weeks to fill a vacancy. The median is similar at 34 weeks. Most courts (75 percent) need between 10 and 52 weeks to fill the average CSR vacancy. Among all courts surveyed, the minimum observed was 0 weeks at a small court; the maximum observed was 156 weeks at a different small court, where they have had two vacancies open for three years. Another court shared:

"We have been unable to fill any vacant positions since June 2020, despite continuously posting and recruiting for court reporters since that time."—medium/large court

"Our vacancies have been left unfilled for more than 12 months, and we are having increased difficulty in finding other coverage. We are now faced with consolidating already compacted

⁶⁹ Department of Consumer Affairs, "Public Information – Licensee Lists Overview" (2021), https://dca.ca.gov/consumers/public info/index.shtml (as of October 18, 2021).

⁷⁰ National Court Reporters Association, "Court Reporter Career Paths," (no date) https://www.ncra.org/home/professionals-resources/professional-advantage/Court-Reporting (as of October 14, 2021).

calendars and moving a larger number of matters due to reporter unavailability/unfilled vacancies."—small/medium court

Some participants also explained that their court has attempted to recruit outside of their county to fill the court reporter need:

"We contacted every single CSR in neighboring counties within two hours of us and invited them to apply for the position. No one did. Our pro-tem CSRs are not interested in becoming official court reporters."—small court

"A court supervisor spent 160 hours trying to get temporary coverage for a high-profile, threeweek murder trial. We called as far as 40+ miles south, 115+ miles north, and 150+ miles west."—small court

Exacerbating this situation, the number of vacant positions does not always equal the total CSR demand a court experiences overall. The number of court reporters a court needs tends to fluctuate weekly or daily depending on calendars, so a fixed FTE allocation—even if there are no vacancies—does not always accommodate everything a court requires to operate effectively. Some courts mentioned wanting to create new FTE positions to better match their total CSR need, but they are not able to due to lack of funding and/or inability to fill their existing vacancies.

To capture the distinction between courts' FTEs and total CSRs needed, the survey asked participants to share the number of CSRs they need versus the number they are currently able to provide. This difference, defined as the CSR deficit, is presented in Figure 13:

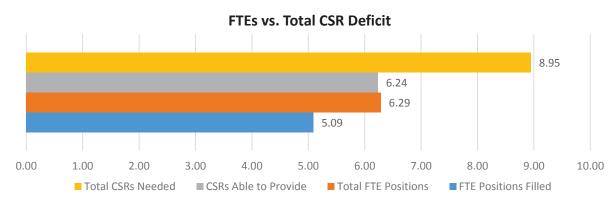


Figure 13.

This comparison shows that courts are mostly able to provide CSRs to fill the gap between the occupied and vacant FTEs: while the average FTE positions filled is only 5.09, the average number of CSRs a court can provide regularly is 6.24. Many courts do so by hiring pro-tems who are paid daily rates for their services. Still, recruiting pro-tems can be as difficult as recruiting full-time employees:

"Our county uses per diem court reporters to cover absences of staff reporters. The current per diem pool has dwindled and is virtually non-existent. Many per diem reporters have taken work in the private sector." -medium/large court

"The competition between courts to get a court reporter is not good. It skyrockets per diems. I have had reporters booked and the morning of, they call and cancel because one of my neighboring courts has offered them more money."-small court

"We are finding that the per diem court reporters prefer calendars that will typically not require transcript prep."-small court

"We have been trying to schedule [pro-tem] reporters one month in advance, but the agencies do not like to commit that far out and we have to drop the time to two weeks in advance. We oftentimes will ask counsel to waive a court reporter so the matter can go forward."-small court

Moreover, the total CSR need of this survey sample is 366.95 and the total number of CSRs the courts are currently able to provide is 255.7. The sample-wide CSR deficit is 30 percent. Compared to the number of active CSR licensees in the counties in this sample, the courts' demand equals 54 percent of the total CSR supply. Based on the consistent trend of a significant minority of shorthand reporters working for the courts (less than 30 percent), it is unlikely for the courts to eliminate their CSR deficits entirely.

5.2 Increasing CSR Deficit

Sample-wide, the average⁷¹ official court reporter is 51.64 years old and has worked for the court for 11.74 years. This is slightly lower but comparable to the national average stenographer age of 55 years old.⁷²

"Of the 19 staff reporters, five are eligible to retire at any time." -medium/large court

"The overall average number of years our court reporters have worked for the court is 26.5 years, but two of our three FTEs have worked for the court an average of 38 years." – small/medium court

"We do not have any staff court reporters, but some [pro tem court reporters] have worked here 20+ years and are ready to retire."—small court

Survey respondents anticipate another 31.5 FTE separations within the next 12 months. Moreover, throughout the sample, courts expect to create 25 new FTE positions using the earmarked \$30 million in civil/family law court reporter funding from SB 170. This is a total of 56.5 positions that will need to be filled in these courts. These small-to-medium courts make up

-

⁷¹ The median is likely higher.

⁷² National Court Reporters Association, "NCRA Statistics," (March 31, 2021) https://www.ncra.org/home/about-ncra/NCRA-Statistics (as of October 12, 2021).

19 percent of court operations statewide; 81 percent were not captured in this survey. As discussed in Section 4.2.1, however, the state of California issues an average of only 52.5 new licenses each year. If 30 percent of new licensees accepted jobs within the court system, then there would be approximately 16 new court reporters. Further, if 19 percent of those new licensees worked in the courts represented in this sample, that would be only 3 new court reporters hired among the 56.5 positions needing to be filled across 41 courts (thus resolving only 5 percent of new vacancies). Moreover, beyond the 19 percent of operations represented in this report, the court reporter demand in the other 81 percent of court operations would largely go unmet as well, given the low number of new licenses issued.

Ultimately, the new positions from SB 170, once created, will add to the courts' vacancy rates and CSR deficits.

"The \$30 million, although welcome, still does not solve the primary issue of an insufficient number of certified court reporters willing to work in a court environment." –small court

5.3 CSR Deficit Effects on Operations

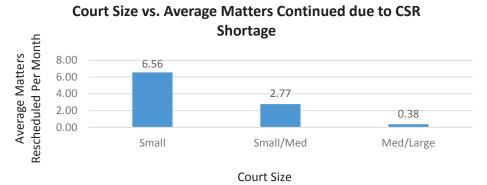
As they manage their CSR deficits, courts regularly experience interrupted operations due to a lack of court reporters. This is demonstrated most prominently when matters on calendar are canceled or continued because a court reporter is not present. Across the survey sample, 58.5 percent of courts indicated that they have had to cancel or continue matters due to lack of a court reporter. A total of 150 matters are rescheduled each month for this reason; the average court⁷⁴ continues 4.55 matters monthly. These calendar changes overwhelmingly affect mandatory proceedings in criminal and juvenile cases with an average of 2.41 and 1.64 matters, respectively. Civil and family proceedings are marginally affected with an average of 0.29 and 0.21 matters, respectively.

Smaller courts' calendars are more impacted than larger courts, as reflected in Figure 14:

⁷³ This is calculated based on the number of judicial officers. According to the 2021 Court Statistics Report, the 41 courts represented in this survey have a total of 381.5 total judicial positions (judges, commissioners, and referees). Statewide, there are 2,005 total judicial positions. Therefore, although 41 counties make up 70 percent of the total number of Superior Courts in California, the sample truly represents only 19 percent of Superior Court operations when controlling for size.

⁷⁴ This is based on a calculation of 33 courts out of the total sample of 41. 24 courts answered Yes, their court has had to change calendars at some point due to lack of a court reporter, but only 16 provided an average monthly number. The 8 courts that did not provide a monthly average were not included in the calculation. Another 17 answered No, so they were counted as 0s in the calculation. Since one-fifth of respondents indicated Yes but did not provide a number, it is likely that the total number of matters rescheduled monthly is higher than 150.

Figure 14.



This may be because larger courts have more staff in general and are thus able to be more flexible with their assignments. Smaller courts, on the other hand, may have 0 or 0.5 FTEs and cannot afford to lose any of the court reporting services available to them. Some participants expounded on this dynamic in their responses:

"In a two-judge court, we have two courtrooms. The critical issues are if two jury trials go at the same time. Additionally, if our reporter is ill or on vacation, having a backup ready is extremely difficult to secure." –small court

"We are barely able to provide court reporters for the mandatory proceedings. If we lose the one and only court reporter we have, we may not be able to cover our mandatory proceedings."

—small court

The counts calculated in Figure 14 do not fully represent the extent of disruptions caused by the lack of court reporters. While some courts have not had to cancel hearings completely, it is becoming more common for courts to schedule their court reporters creatively to avoid cancelations. This includes combining calendars or delaying calendar start times to allow court reporters to move quickly between calendars.

"We've had to combine calendars several times due to court reporter shortages to avoid rescheduling cases." –small/medium court

"While our county has not been forced to cancel and/or continue hearings for lack of a court reporter, we do stagger calendars and double up reporters often to meet our demand."

—medium/large court

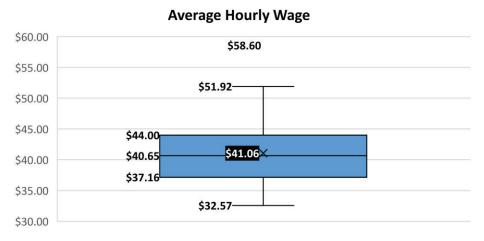
Apart from the stress and inconsistency this strategy can impose on court operations and court users, it also carries a significant risk of burnout for already limited court reporter resources.

5.4 Recruitment and Strategies

Public sector court reporter compensation is comparable to the private sector. Across this survey sample, the average hourly pay rate for permanent employee court reporters (non-supervisors) is

\$41.06. This is similar to the average of all court reporters in California, \$42.85 per hour.⁷⁵ The highest hourly wage observed is \$64.30 and the lowest observed is \$29.36. The range of average hourly pay rates is depicted in Figure 15:

Figure 15.



This plot shows that three-quarters of courts in this survey sample have an average hourly pay rate between \$37.16 and \$44.00. The median wage is \$40.65, similar to the average. Still, the outlier with the highest average hourly pay, a small court that offers \$58.60, has a 0.5 FTE vacancy that they have not been able to fill in over a year.

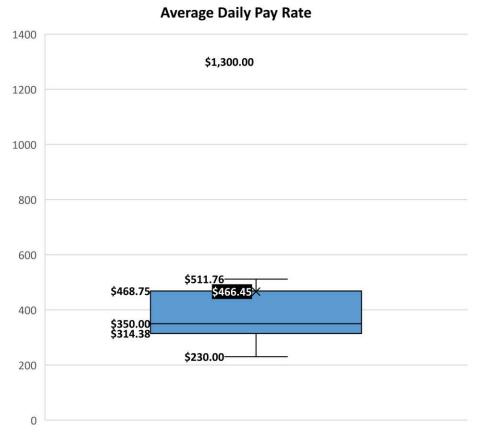
Meanwhile, courts with zero vacancies' hourly wages range from \$34.26 to \$47.04 and average \$39.86, less than the sample-wide average of \$41.06. These trends do not support the hypothesis that higher pay always exempts courts from unfilled vacancies or vice versa.

Further, courts expend additional resources on paying pro-tem court reporters. The average daily pay rate for a per diem is \$466.45, and the minimum and maximum observed are \$230 and \$1,800. The range of average daily salaries is depicted in Figure 16:

-

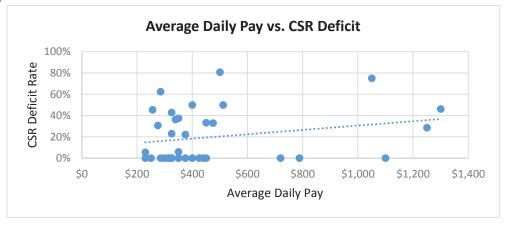
⁷⁵ https://www.bls.gov/oes/current/oes273092.htm

Figure 16.



This plot shows that three-quarters of courts in the sample pay pro-tem court reporters between \$314.38 and \$468.75 per day on average. The median, \$350.00, is notably lower than the average on account of the \$1,300 outlier. Like the trend observed with hourly pay, the average daily pay rate compared to CSR deficit rates indicates that paying higher daily wages is *not* associated with having less unmet demand. In fact, Figure 17 indicates that to some extent, ⁷⁶ the opposite is true:

Figure 17.



⁷⁶ This is a positive correlation but considered statistically insignificant at a P-value of .166.

Higher wages for pro-tems are associated with greater CSR deficit rates overall. In other words, offering more money to certified court reporters has still not yielded the benefit of access to more CSRs. The trend demonstrated in Figure 16 is apparent among individual courts, as well; the court that offers the highest average daily pay rate, a medium/large court at \$1,300, also has a 46 percent CSR deficit. Meanwhile, the court that offers the lowest average daily pay rate, a small court at \$230, has zero CSR deficit. Ultimately, the data from the survey show no statistically significant difference in CSR deficit based on rate of pay.

Courts regularly reevaluate their recruitment strategies and incentives as they attempt to fill their long-term vacancies. Some courts have relationships with local court reporting schools, professional associations, and deposition firms to circulate their job postings and train students. Seven courts, or 17 percent of the survey sample, actively maintain such connections. Other courts—18 total or 44 percent—offer salary and other incentives including bonuses for providing real-time services, vacation time, and payment of license renewal fees. Some courts have increased or intend to increase their spending on these efforts:

"We offer a \$5,000 hiring bonus." -small/medium court

"We are looking at increasing reporter salaries by 15 percent across the board to keep the reporters we have and to be more competitive with our ongoing recruitment." –small court

Some courts are also actively working to support growth in the court reporting industry long-term, in addition to attempting to solve their current shortage problems:

"We are working with a non-profit, Project Steno, to introduce reporting in high schools and prepare students to take state boards. The goal is to increase the pool of reporters in the next 5+ years."—medium/large court

Yet vacancies remain unfilled and courts continue to struggle with meeting their court reporting demand. On average, courts in this survey sample receive fewer than three applications per vacancy. Among those applications, less than half (48 percent) are qualified.

"Very few people who apply have the CSR license, which is required for the job.

-medium/large court

"We received 72 applications for our last vacancy and only 3 to 5 were qualified. The rest weren't court reporters; they applied broadly from office assistant jobs and things like that. Our court does not have any other requirements for qualification other than the CSR license."

—small/medium court

Having recruitment relationships or offering incentives does not appear to increase the number of qualified applicants a court receives for a CSR vacancy, either. Among those courts that maintain recruitment relationships, the average opening yields fewer applications than in courts that do not

have recruitment relationships. Similarly, the courts that offer salary bonuses or other types of incentives receive fewer applications per opening than courts that do not offer incentives. This trend is demonstrated in Figure 18:

Figure 18.

| | Average Number of Qualified Applicants per Vacancy |
|---|--|
| Court has recruitment relationships | 0.69 |
| Court does not have recruitment relationships | 1.16 |
| Court offers salary incentives | 0.8 |
| Court does not offer salary incentives | 1.31 |

While this trend does not indicate that courts participating in recruitment activities with other organizations or offering new hires incentives causes fewer applications per vacancy, it does show that these efforts are no guarantee of greater success in recruitment.

CONCLUSION

The survey does not explain what the ultimate cause of the court reporter shortage may be. Nor does it present a clean solution to the existing problem. There may be elements not investigated, like the effects of geographic area or court size, and there are likely subjective factors at play, like potential student perceptions of the longevity of the industry.

But the data, both from the industry analysis and the survey, do support the following conclusions:

- Supply is down nationwide and in California in particular. The number of active CRB licensees decreases consistently each year.
- Fewer new court reporters are being licensed each year, and fewer students are attending fewer schools.
- Relative to the total licensee base in California, a small number of court reporters work in the courts. Based on the statutory requirements for stenographic court reporters, courts are unlikely to be able to fill their vacancies. The gap between supply and demand is expected to worsen with the introduction of new positions.
- The stenographer shortage regularly affects court operations, especially in smaller courts.
- Aggressive recruitment, including establishing relationships with court reporting schools
 and associations as well as offering salary incentives and hiring bonuses, is not supported
 as a solution.
- Higher pay does not improve recruitment results in surveyed courts.

Taken together, this information may indicate that while the reporter shortage within the courts is certainly impacted by insufficient supply overall, insufficient supply of CSRs may be just as driven by CSR preferences between the structured work of the courts versus the more flexible work with deposition firms or other organizations. The courts are subject to legislative authority on how they structure the court reporting work environment whereas private firms operate independently.

Individuals reviewing this report and related data will need to make their own conclusions on appropriate next steps for their court, potentially informed by the information presented herein.

APPENDIX A. Survey Instrument

Welcome! Thank you for participating in this survey.

You will be asked a series of questions about court reporters at your court. To protect your privacy, survey results will be presented in categories and not by individual court. However, survey responses may be subject to disclosure in the event of a CRC 10.500 request.

Taking this survey consents to the use of these data in an aggregated report. Completing the survey also acknowledges that 1) you will be notified when and if a CRC 10.500 request is made for non-aggregated data submitted as part of this request and 2) disclosure of data in response to such a request will be made without further permission or correspondence. Raw, anonymized data will be provided upon request to any court that participates in the survey.

Please answer each question as completely and accurately as possible. If a question does not apply to you, enter N/A. Please complete the survey by December 3, 2021 at 11:59 PM. Thank you!

| 1. What county is your court in? | |
|---|------------------------|
| | |
| 2. What size is your court? | |
| 2-5 judges (small) | |
| ○ 6-15 judges (small-medium) | |
| 16-47 judges (medium-large) | |
| 48+ judges (large) | |
| 3. How many court reporter FTE (regardless of employment do you need to: | or contractual status) |
| Cover all mandatory proceedings (i.e. death penalty proceedings; juvenile proceedings not before a referee or commissioner; felony cases; "withdrawal of consent to adopt" proceedings; or as specially required by statute)? | |
| Cover non- mandatory proceedings where electronic recording is not | |

| allowed (i.e. unlimited civil, family law)? | | |
|---|--|--|
| Cover non- mandatory proceedings where electronic recording is allowed (i.e. misdemeanors, infractions, limited civil)? | | |
| | urt reporter FTEs (regardless of employment or contractual currently able to provide in: | |
| Mandatory proceedings (i.e. death penalty proceedings; juvenile proceedings not before a referee or commissioner; felony cases; "withdrawal of consent to adopt" cases proceedings; or as specially required by statute)? | | |
| Non-mandatory proceedings where electronic recording is not allowed (i.e. unlimited civil, family law)? | | |
| Non-mandatory proceedings where electronic recording is allowed (i.e. misdemeanors, infractions, limited civil)? | | |

| 5. How many FTE court reporters do you currently employ? |
|--|
| |
| 6. How many FTE court reporter vacancies do you currently have? |
| |
| 7. How many additional FTE court reporter positions do you anticipate creating with the new \$30 million in Civil/Family Law Court Reporter Funding? |
| |
| 8. What is the lowest hourly pay rate for your employed court reporters? (Exclude supervisors and managers.) |
| |
| What is the highest hourly pay rate for your employed court reporters? (Exclude supervisors and managers.) |
| |
| 10. What is the lowest daily pay rate you've paid for a full-day pro-tem or per diem court reporter in the past 12 months? |
| |
| 11. What is the highest daily pay rate you've paid for a full-day pro-tem or per diem court reporter in the past 12 months? |
| |
| 12. What is the average length of employment (in years) of your court reporters? |
| |
| 13. What is the average age of your court reporters? |
| |

| 14. When you have a vacancy for a court reporter, how long does it typically take to fill the position? (Please estimate the time in weeks, from the time of posting to the time of applicant accepting the offer.) |
|--|
| |
| 15. What is the longest period of time a court reporter vacancy has gone unfilled at your court (in weeks)? |
| |
| 16. About how many applications do you typically receive for vacant court reporter positions? |
| |
| 17. Of the applications received for an average court reporter vacancy, about how many applicants are qualified (meet the minimum qualifications for the position)? Please estimate the percent. (If not applicable, please enter N/A in the box.) |
| 0 100 |
| |
| 18. About how many court reporter separations, resignations, or retirements (vacancies) has your court experienced in the past three years? |
| 19. Do you anticipate any upcoming vacancies in the next 12 months? |
| Yes |
| ○ No |
| 20. How many upcoming vacancies do you anticipate in the next 12 months? |
| |
| 21. In the past three years, about how many court reporters has your court hired or began using for the first time? |
| |
| 22. Does your court offer any incentives or salary enhancements to court reporters? |
| ○ Yes |
| ○ No |

| 23. Please describ | e the incentives or salary enhancements your court offers. |
|--------------------|--|
| | |
| | ourt have any relationships with local court reporting schools or help with recruitment? |
| ○ Yes | |
| ○ No | |
| 25. Please describ | be the relationship(s) with court reporter schools or associations. |
| | |
| - | ourt ever needed to reschedule matters to another time due to a not being available? |
| ○ Yes | |
| ○ No | |
| | tters in an average month have been rescheduled to another rt reporter not being available? |
| | te the number of matters in an average month of each case type escheduled due to the lack of a court reporter. |
| Criminal | |
| Civil | |
| Family | |
| Juvenile | |
| | |

29. Would you like to share anything else?

APPENDIX B. Methodology

Survey Design and Response

The 2021 CTCC Court Reporters Survey (see Appendix A) was written by CTCC committee members and staff from two courts. It was revised and rewritten by committee members and staff from nine courts. It was designed to capture several quantitative measures as well as allow respondents to share anecdotal or qualitative data, which are the source of the quotes throughout this report. The survey was finalized and released to CTCC member courts, 43 total, on November 19, 2021. 41 courts participated in the survey between November 19 and December 14, 2021, yielding a 95% response rate. The researchers followed up with 13 participants via phone or email to clarify their responses and ensure that all data were interpreted accurately. Following the data analysis, and prior to publishing this report, the data were anonymized, removing court names from the response data.

Data Analysis

The survey data were analyzed to answer the following questions:

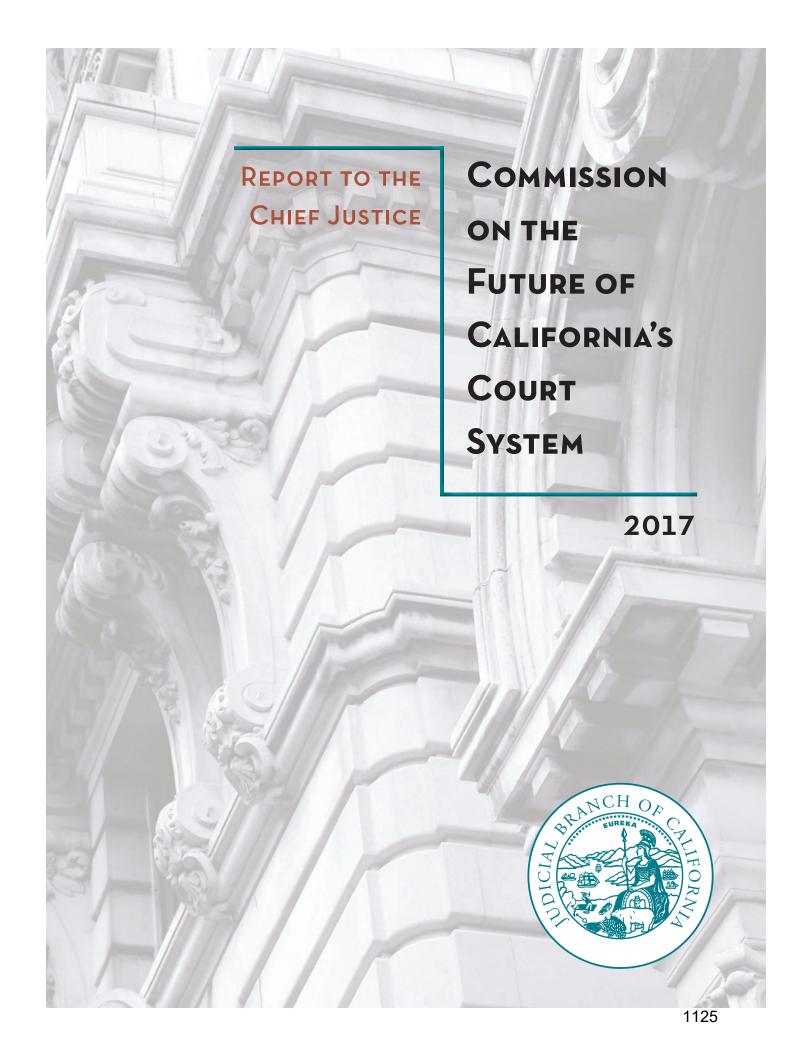
- How many court reporter FTE positions are currently filled?
- How many court reporter FTE positions are vacant?
- Does a court's number of FTE positions represent the court's total need for court reporting services?
- How much do the courts pay for FTE official court reporters?
- How much do the courts pay for pro-tem court reporters?
- Does paying full-time or pro-tem court reporters higher wages make a court less likely to experience FTE vacancies and/or CSR deficit?
- How old is the average CSR employed by these courts?
- How are court operations affected by the lack of CSRs?
- How long does it take a court to fill an FTE official court reporter vacancy?
- How many courts offer incentives and/or have recruitment relationships with other organizations?
- Does offering incentives and/or having recruitment relationships make a court more likely to fill their vacancies?

Researchers answered these questions by taking averages of quantifiable questions to summarize the sample-wide responses. Some research questions were both averaged and totaled (e.g., "How many court reporter FTE positions are currently filled?") to capture the individual court status and the sample-wide statistic. Some questions were also broken down into categories based on court size, which allowed staff to make connections between trends and the qualitative data.

For interest areas that compared two variables (e.g., "Does paying higher wages make a court less likely to experience FTE vacancies and/or CSR deficit?"), staff conducted statistical tests to measure the strength and direction of the association between variables. Staff used www.socscistatistics.com to calculate the correlation coefficient (Pearson's r) and the p-value for

significance. All other analysis was conducted, and all graphs were created, in Excel. Maps were created using www.mapchart.net and Google My Maps.

TAB 20



REPORT TO THE CHIEF JUSTICE

COMMISSION ON THE FUTURE OF CALIFORNIA'S COURT SYSTEM

2017





Commission on the Future of California's Court System

HON. CAROL A. CORRIGAN, Chair Associate Justice, California Supreme Court

HON. WILLIAM R. MCGUINESS, Vice-Chair Administrative Presiding Justice, Court of Appeal, First Appellate District April 26, 2017

Hon. Tani G. Cantil-Sakauye Chief Justice of California 455 Golden Gate Avenue San Francisco, California 94102

Dear Chief Justice Cantil-Sakauye,

We are pleased to submit for your consideration the final report of the Commission on the Future of California's Court System. It represents the committed efforts of 63 commission members to research and analyze innovative proposals for the justice system of the future.

You asked us to identify practical ways to more effectively adjudicate cases, achieve greater fiscal stability for the branch, and use technology to enhance the public's access to its courts.

Five working groups gathered information, studied current practices, and determined what benefits might be achieved by a given change. Importantly, each proposal was also evaluated in terms of the savings to be gained as well as the cost of transition. The commission also recognized the importance of public input, which was solicited through a formal survey, multiple public comment sessions, and targeted outreach.

Our recommendations present new ideas for the branch along with proposals to revitalize and expand a number of existing initiatives. They provide pathways to change in-court practice, procedure, and judicial administration.

We are grateful to each member of the commission who gave most generously of their time, expertise, and wise counsel to these efforts. We particularly acknowledge the Chairs and Vice chairs of the working groups. These leaders drew on decades of experience to guide, motivate, and create consensus. On behalf of the commission members, we also note the invaluable assistance of the Judicial Council's staff. Finally, and on a personal note, we thank you for the opportunity to lead this important initiative.

Your determination to build on our soundest traditions while embracing practical and necessary change will be one of the hallmarks of your tenure as Chief Justice. We are honored to have been of assistance in that visionary leadership and respectfully submit this report for your consideration.

Very truly yours,

Carol A. Corrigan Associate Justice California Supreme Court and

Chair of Commission on the

Future of California's Court System

William R. McGuiness Administrative Presiding Justice Court of Appeal, First Appellate District, Division Three and Vice-Chair of Commission on the

Future of California's Court System

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■ Recommendation 5.1:

Expand the Use of Technology in the Courts to Improve Efficiency and Enhance Access (page 213)

TECHNOLOGY RECOMMENDATIONS

odern information technology has evolved dramatically over the past several decades. Today's technology allows organizations to do more things more efficiently than ever before. An increasing number of individuals use personal electronic devices to conduct business and obtain services online, at any time of day or night. The Commission on the Future of California's Court System (Futures Commission), through outreach to technology leaders and innovators, explored ways technology could be used to provide additional service and operate more efficiently. The Futures Commission recommends:

1. Current Technology Initiative

Continuing judicial branch support and implementation of initiatives currently underway by the Information Technology Advisory Committee of the Judicial Council (Council), as reflected in the Council's *Tactical Plan for Technology (2017–2018)*, including:

- Video remote interpreting;
- Remote self-help services for self-represented litigants;
- Cloud services for application hosting and data storage;
- Case and document management systems that support the digital court; and
- Electronic filing.





2. Remote Video Appearances

Developing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings.

3. Video Arraignments

Authorizing video arraignments in all cases, without the defendant's stipulation, if certain minimum technology standards are met.

4. Intelligent Chat Technology

Developing a pilot project using intelligent chat technology to provide information and self-help services.

5. Voice-to-Text Language Services Outside the Courtroom

Developing a pilot project that would use voice-to-text language interpretation services for use at court filing and service counters and in self-help centers.

6. Innovations Lab

Establishing an Innovations Lab to identify and evaluate emerging technologies and cooperate with industry experts to tailor them to court use.

7. Access to the Record of Court Proceedings

Implementing a pilot program to use comprehensive digital recording to create the official record for all case types that do not currently require a record prepared by a stenographic court reporter.



RECOMMENDATION 5.1:

EXPAND THE USE OF TECHNOLOGY IN THE COURTS TO IMPROVE EFFICIENCY AND ENHANCE ACCESS

BACKGROUND

IDENTIFYING TECHNOLOGY TO ADVANCE THE GOALS OF THE BRANCH

The use of technology has become increasingly integrated in the lives of Californians. Following the Chief Justice's charge, and in keeping with her Access 3D initiative, the Futures Commission studied how existing and future technology can be used to make California's courts more efficient and accessible.^{1*}

Industry expert input

Working with industry experts, the Futures Commission studied both current technology and how it is evolving. Much of the technology explored is currently available. The only limitations on implementation are policy or budget issues.

The Commission also sought expert opinions on how technology will evolve in the next 10 to 15 years. Industry experts noted that the rapid pace of change in this area makes it difficult to provide such lengthy predictions. Ultimately, these meetings confirmed that many solutions are available today.

Existing branchwide technology initiatives

The Futures Commission explored the work of the Council's Technology Committee and the Information Technology Advisory Committee (ITAC) to examine technology that is already implemented. (For detailed information about the duties and responsibilities of these committees, see *Appendix 5.1A: The Judicial Council's Technology Committee and Information Technology Advisory Committee.*) These committees developed the four-year *Strategic Plan for Technology (2014–2018)*, and the two-year *Tactical Plan for Technology (2014–2016)*, which became effective November 1, 2014.²

 $^{^{*}}$ Footnotes and citations can be found at the end of this chapter on page 267.







Working with industry experts, the Futures Commission studied both current technology and how it is evolving. Much of the technology explored is currently available. The only limitations on implementation are policy or budget issues.

An updated two-year *Tactical Plan* was adopted by the Council in March 2017. The *Tactical Plan for Technology (2017–2018)*³ includes 14 technology initiatives currently being developed by ITAC. The Futures Commission consulted with ITAC to avoid duplication of initiatives already underway, and to provide context for our own recommendations.

CALIFORNIA COURTS' CURRENT USE OF TECHNOLOGY AND IMPACT ON ACCESS

California's court system is diverse in the ways and efforts to which it uses technology. As of October 2016, just over half of the trial courts had migrated to new case management systems (CMSs) or have projects underway to do so.⁴ Some courts still rely on paper-based systems. Others have or are transitioning to electronic documents with mandated electronic filing (e-filing) in civil matters, robust document management systems, and paper-on-demand environments. The level of remote and online self-help services available for self-represented litigants (SRLs) also varies greatly. Many courts maintain static websites. Others are more advanced, offering video conferencing to deliver workshops to provide face-to-face services

remotely in another location.⁵ This broad range of uses is influenced by a court's size, organizational culture, technical capabilities, and budget.

The Futures Commission identified the following examples of current court technology that should now be adopted statewide:

- Access to digital court records;
- Online self-help services;
- Assistance with online completion of court forms:
- E-filing;
- Electronic noticing, online scheduling, and continuance processing; and
- Language services (e.g., video remote interpreting (VRI)).

Each example is discussed in more detail in *Rationale* for *Recommendation 1: Current Technology Initiatives* beginning on page 216.

CURRENT FISCAL STATUS

NEXT

Funding for technology is currently provided to individual court budgets through the Workload-Based Allocation and Funding Methodology (WAFM) and other earmarked funding. However, limited budgets often restrict a court's ability to implement technology because upfront implementation costs cannot be supported by annual budgets.⁶ The Council has also developed budget change proposals to request funding for technology initiatives. Most recently, the judicial branch received funding for the Court Innovations Grant Program. These funds will support 52 programs, many of which focus on the technology solutions described in this chapter.⁷

CURRENT LAWS AND RULES AFFECTING TECHNOLOGY

Few statutes restrict the use of technology to conduct daily court business operations. Records may be created and maintained electronically,⁸ electronic case and document management systems are encouraged,⁹ and courts may allow or mandate that parties file and serve papers electronically.¹⁰ Some self-help centers provide services electronically through online videos and assistance.

Existing statutes and rules of court have not yet progressed as far with regard to proceedings inside the courtroom. Remote appearances are encouraged by statute, but the law currently addresses only telephonic appearances and only at nonevidentiary hearings.11 At the same time, there is no law prohibiting a variety of remote appearances in evidentiary civil hearings with agreement of all parties and the court. Remote appearances are more problematic in criminal cases, but remote video appearances at criminal arraignments are currently authorized with the consent of the defendant.12 Electronic recording is only authorized as the official court record in limited civil, misdemeanor, and infraction cases.¹³ Courts are prohibited from using electronic recording as an official record of any other action or proceeding.14 Courts may not use recording equipment to make unofficial records, even for purposes of judicial notetaking.¹⁵

California's court system is diverse in the ways and efforts to which it uses technology....

This broad range of uses is influenced by a court's size, organizational culture, technical capabilities, and budget.

RECOMMENDATIONS

To increase technology use in the courts, the Futures Commission recommends the following:

1. Current Technology Initiatives

Continuing judicial branch support and implementation of initiatives currently underway by ITAC, as reflected in the Council's *Tactical Plan for Technology* (2017–2018), including:

- VRI:
- Remote self-help services for SRLs;
- Cloud services for application hosting and data storage;
- Case and document management systems that support the digital court; and
- E-filing.

2. Remote Video Appearances

Developing a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings.

3. Video Arraignments

Authorizing video arraignments in all cases, without the defendant's stipulation, if certain minimum technology standards are met.

4. Intelligent Chat Technology

Developing a pilot project using intelligent chat technology to provide information and self-help services.

5. Voice-to-Text Language Services Outside the Courtroom

Developing a pilot project that would use voice-to-text language interpretation services for use at court filing and service counters and in self-help centers.







6. Innovations Lab

Establishing an Innovations Lab to identify and evaluate emerging technologies and cooperate with industry experts to tailor them to court use.

7. Access to the Record of Court Proceedings
Implementing a pilot program to use
comprehensive digital recording to create
the official record for all case types that do
not currently require a record prepared by
a stenographic court reporter.

RATIONALE FOR RECOMMENDATION 1: CURRENT TECHNOLOGY INITIATIVES

The following initiatives should be pursued statewide and are reviewed in detail here to provide the reader with the foundation on which the other recommendations in this chapter are built.

VIDEO REMOTE INTERPRETING (PILOT PROGRAM)

An increase in limited English proficiency (LEP) court users requires expanded resources to provide meaningful access. As noted in the Council's *Strategic Plan for Language Access in the California Courts,* California has the most diverse population in the country. Approximately 7 million LEP residents speak more than 200 languages and are dispersed over a vast geographic area. In person interpreting, while generally preferred, is not always available, especially for less common languages in particular areas. VRI can fill this gap.

One pilot program for VRI has already been successfully completed. In 2011, four trial courts began a VRI pilot program for deaf or hearing-impaired court users, providing American Sign

Language (ASL) interpreters by video. Outcomes for this project included high judicial officer satisfaction, increased likelihood of using a court certified interpreter, efficiencies in the use of interpreters, and cost savings.¹⁷ A participating court reported an average savings of \$209 per half day where VRI was used in place of an in-person interpreter.¹⁸ Program administrators for a large court with an annual interpreting budget of \$1,007,250 could save approximately \$125,336 annually, if VRI were used for ASL for the top four languages other than Spanish¹⁹ and for cases in which Spanish interpreters from the large court were used for cross-assignment in courthouses with no assigned interpreters.²⁰

Based on the ASL program and the experience of other states, ITAC included a pilot program for remote spoken language interpreting within its proposed Tactical Plan for Technology (2017–2018). Three vendors for the no-cost pilot project²¹ were selected in October 2016, and three trial courts will begin piloting VRI for spoken languages in spring 2017.²² An initial evaluation of the pilot project is expected to go before the Council in fall 2017. The goal is to define statewide technical standards, provide program guidelines, and preapprove vendors.23 ITAC will evaluate the pilot projects in terms of prompt availability of language access for litigants, decreased use of less qualified interpreters, decreased dismissals for failure to meet court deadlines, increased number of LEP litigants served, and decreased travel expenses. If the pilot projects are successful, VRI could be expanded branchwide.



NEXT

REMOTE SELF-HELP SERVICES FOR SELF-REPRESENTED LITIGANTS

The Futures Commission explored technological assistance for SRLs, especially in family law and other civil proceedings. Solutions considered included online services for self-help assistance, intelligent chat functions, ²⁴ document assembly assistance, ²⁵ and document submission. Most of the technologies explored by the Futures Commission are currently underway as part of ITAC's Self-Represented Litigants E-Services initiative. ²⁶

SRLs are a growing segment of court users, especially in family law and civil proceedings. For these litigants, identifying required forms, completing them accurately, and filing them in a timely manner can be challenging. The available resources to assist SRLs vary from court to court. Further, self-help resources were reduced in some courts during the economic recession. Traveling to the courthouse during business hours can be an additional burden for SRLs, who often must leave work or family duties to go to the courthouse during business hours.

SRLs are a growing segment of court users, especially in family law and civil proceedings.

For these litigants, identifying required forms, completing them accurately, and filing them in a timely manner can be challenging.

The Self-Represented Litigants E-Services initiative builds upon the existing California Courts Online Self-Help Center and leverages available judicial branch resources. The goal is to provide a central access point for self-represented parties and the community organizations that assist them. Providing consistent and accurate information, the access point will use existing question-and-answer interview processes, "smart" forms, and document assembly tools. Completed forms can then be electronically filed with courts that have the ability to accept them, or electronically delivered using current branch infrastructure. Development and implementation costs could be recovered through a small service fee paid by nonindigent SRLs. This cost should be lower than that incurred by SRLs who would otherwise travel to the courthouse or use self-help services to submit documents. 28

CLOUD SERVICES FOR APPLICATION HOSTING AND DATA STORAGE

The Futures Commission explored the use of cloud technology to improve court operations. The cloud provides Internet access to significantly more powerful and less expensive computing resources. It can include networks, servers, storage, applications, and services. It is a widely used, cost-effective, and reliable solution. In general, the benefits of the cloud include the following:

- *Flexibility*. There are a variety of different types of cloud services including software, platforms, and infrastructure. Each court can design a cloud service that best fits its needs.
- *Scalability*. The ability to scale up or down in terms of bandwidth, storage capacity, and computing power is available on a pay-as-you-go basis. This ability negates the need to acquire, manage, and maintain technology infrastructure.





- Data backup and disaster recovery. Preservation of data and programs in the event of service outages or natural disasters is seamless with cloud backup.
- Increased security and compliance. Cloud services generally include multiple layers of data encryption, ensuring data security.
- Improved performance. Placing high-volume functions and services in the cloud improves performance because computing resources can be quickly increased or decreased as needed. Doing so also reduces the impact of network traffic and bandwidth from a court's on-premises systems.
- Increased access. Cloud storage allows the courts to store, access, and retrieve files from any Internet-accessible location.
- Data exchange. "Data lakes" are storage repositories that hold a great amount of data in its native format. They can be used for sharing, searching, and analyzing data from various sources including information in nonuniform formats. They allow easy information sharing with less cost and increased speed.

ITAC's *Tactical Plan for Technology (2017–2018)* includes two initiatives related to cloud technology:

- The completed Develop Standard CMS
 Interfaces and Data Exchanges initiative developed a set of commonly used CMS interfaces and data exchanges between trial courts and justice partners.²⁹
- Under the Transition to Next-Generation
 Branchwide Hosting Model initiative implementers will reevaluate judicial branch
 and court hosting models to ensure the

branchwide strategy for application and services hosting is the most cost-effective.³⁰

The incorporation of cloud technology for both initiatives further supports data exchanges between the courts and justice partners. The Futures Commission recommends that future judicial branch projects include use of cloud technology where appropriate.

CASE AND DOCUMENT MANAGEMENT SYSTEMS THAT SUPPORT THE DIGITAL COURT

The trial courts require technology solutions that promote efficiencies, meet the needs of public and justice partners, and deliver timely access. Such solutions must include modern case and document management systems. Full branchwide implementation of these systems is critical. The anticipated benefits and outcomes include:

- Cost savings, operational efficiencies, and enhanced case processing;
- Elimination or reduction of the costs associated with the storage, retrieval, archiving, and destruction of paper records;
- Improved access to records for clerks, judges, litigants, and the public; and
- More efficient use of the judicial branch workforce.

Modern case management systems

At least 32 percent of the trial courts have outdated CMSs (legacy systems)³¹ that are functionally obsolete, no longer supportable, and do not meet the needs of today's court users and personnel. Modern CMSs are required to provide timely and accurate case information, support judicial decision making, enable e-filing, and provide court operational efficiencies.





For courts that have upgraded or plan to upgrade their legacy CMSs, a master service agreement (MSA) was established in February 2013. The agreement relieves individual courts of the cost and organizational burden of proceeding on their own. It provides the trial courts with a set of vendor solutions and pricing for CMSs.³² The MSA provides the starting point for a negotiated agreement between a third party court and the vendor.³³

ITAC's *Tactical Plan for Technology (2017–2018)* includes an initiative to oversee the deployment and migration of CMSs throughout the state and determine strategies to aid those courts needing modernization. In recognition of the courts' need, the Governor's proposed 2017–2018 judicial branch budget includes \$5 million over two years to replace outdated CMSs in nine small courts.³⁴ If included in the final budget, the funding will enable these courts to establish a digital foundation for effective service delivery.

To the extent possible, courts are encouraged to migrate to a new system as soon as possible and to incorporate online scheduling and automatic notifications as features in their CMSs.

Online scheduling. This feature incorporates court calendaring programs on a court's website, allowing parties to choose and set dates for court appearances. The Superior Court of Orange County (Orange Court) has successfully implemented online scheduling for traffic hearings, which has decreased wait times in the clerk's office and enabled customers to report directly to a courtroom without having to go to a clerk's window.³⁵

Automatic notifications. A variety of tools can be used to push an e-mail, text message, or phone call to court users to provide case-related information, including hearing dates, schedule changes, and reminders to bring certain items or to complete certain forms. Notifications can be used on the day of the hearing to inform attorneys and parties on a long calendar or with multiple appearances on a single day that the case will be heard soon. These notifications can also be used to remind a litigant of an upcoming payment deadline. The courts using automatic notifications experienced decreased no-shows, improvement in parties' preparedness for court hearings, and reduction in unnecessary delays in courts with longer calendars. The Superior Court of Los Angeles County (Los Angeles Court),³⁶ the Superior Court of Santa Clara County,³⁷ and Orange Court³⁸ have implemented successful automated reminder systems, which have decreased

Document management systems

failure-to-appear rates.

Most courts still rely on paper-based systems. As of February 2014, the official record of the action for 71 percent of the trial courts was on paper. Just 4 percent of the trial courts relied exclusively on electronic documents. Twenty-five percent relied on both formats, depending on the case type.³⁹ Expenses for traditional filing and retention of documents on paper include physical storage, security, and staff time to access and move physical files around the courthouse. Further, these files are not searchable, must be manually entered into CMSs, and are often not replaceable in the event of physical damage or natural disaster.







Using a document management system to receive and store records in electronic format and integrating that system with a court's CMS provides substantial operational efficiencies. Electronic documents provide more immediate and reliable access for judicial officers, staff, and the public. It also reduces retrieval, storage, and destruction costs and permits the use of common disaster recovery solutions.

The Superior Court of San Diego County (San Diego Court) and the Superior Court of Napa County (Napa Court) provide two examples of the benefits of document management systems. San Diego Court has implemented document management systems for civil, probate, small claims, and family law cases. San Savings included the reduction of staff hours dedicated to records management, elimination of physical file storage, and revenue from the sale of online records. By 2005, Napa Court successfully transitioned to document management systems for all case types and reported annual savings of \$650,000 for a total savings of \$6.5 million over 10 years.

ITAC's *Tactical Plan for Technology (2017-2018)* includes an initiative specifically related to the digitization of court records: Document Management System Expansion. For courts without a document management system, this initiative will:

- Identify opportunities for acquisition and integration of document management systems with existing CMSs;
- Identify the most efficient and cost-effective solution for implementation;
- Leverage MSAs for software procurement; and
- Develop educational sessions for implementation.⁴³

ELECTRONIC FILING

Trial courts have traditionally required court users to file paper documents in person or by mail. Most hard copy forms and documents are first produced on a computer. The document is then printed out and filed with the court and copies are served on all parties. The court then enters, often manually, document contents in the court's CMS. Depending on the capabilities of the court, the document is then either maintained in hard copy or scanned and converted into an electronic format.

Many if not all of these intermediate steps can be reduced with e-filing, which enables secure document filing online at any time and from any location. E-filing is intended to be more than an electronic delivery system. E-filing automates the entire process, eliminating the need for processing by a clerk. It transmits documents to the courts with the information necessary to integrate them directly into the court's CMSs. By integrating e-filing with existing CMS systems a more efficient, automatic, streamlined process for records administration is achieved. The benefits include cost savings by reduced staff time for data entry, screening, scanning and filing documents, processing mail, and document review.

Effective July 1, 2013, California approved pilot projects to allow and even mandate e-filing in civil actions either directly with the court or through one or more e-filing service providers (EFSPs).⁴⁶ Orange Court established the first pilot project mandating the e-filing of court documents in all civil cases, unless excused by the court.⁴⁷ Evaluation of that court's pilot project⁴⁸ has informed subsequent mandatory e-filing efforts throughout the state and showed the following results:



NEXT

- Significant cost savings for the court.
 - A 38 percent reduction in staffing levels for civil case processing.⁴⁹
 - Decreased security needs and wear and tear to facilities.
- Cost-effectiveness for represented and self-represented parties.⁵⁰
 - Among represented parties, 55 percent thought e-filing was less expensive than physical filings.
 - Among self-represented parties, 34
 percent thought e-filing was less expensive, 34 percent were uncertain, and 8
 percent perceived no difference.
- Convenience for parties.⁵¹
 - Parties who received fee waivers were generally satisfied with e-filing.
 - Among SRLs, 75 percent found e-filing to be more convenient, 51 percent indicated it was less time-consuming, and 50 percent viewed late-night filing as a benefit.

Today, approximately 45 percent of trial courts have some e-filing capacity, but 55 percent, mostly small and a few medium courts, have none.52 Many courts that accept or require e-filing in civil cases chose to use EFSPs. 53 Currently, between 15 and 20 EFSPs operate in various parts of the state.54 Because choosing and certifying EFSPs can be difficult and time-consuming for the courts, ITAC has designated several statewide e-filing managers (EFMs), who will work with courts and EFSPs.55 Going forward, EFSPs will be required to work with all statewide EFMs, which will in turn be required to work with all four of the major electronic CMSs.⁵⁶ ITAC is continuing to study how best to support e-filing for courts that are using other CMSs.⁵⁷ For those courts without a modern case or document management system, a variation of e-filing known as "e-delivery" will

be employed. E-delivery is a system for electronic document transmission.

RATIONALE FOR RECOMMENDATION 2: REMOTE VIDEO APPEARANCES

Today, video technology is integrated into most personal devices. As access to such devices increases, court users are becoming accustomed to, and often reliant on, video conferencing for both business and personal matters. Video conferencing is a reliable, cost-effective, and high-quality substitute to in-person appearances. Its use is becoming more common in court systems throughout the United States.

The high quality of existing video conferencing reflects advances in hardware and software, which have greatly improved the services provided in business settings. Current video technology makes it possible to provide a 360-degree view of a room; recognize individual speakers through voice recognition, automatically switching focus and zooming in on the speaker; and allow documents to be viewed on a split screen. Telephonic appearances currently provide remote access to proceedings in many courts. Video technology expands on this access by allowing the court and the remote participants to see as well as hear each other. The court can directly view an individual's demeanor.

The use of any type of remote appearance technology, including teleconferencing, is currently underused. For example, fewer than half the courts use video conferencing for arraignment. Although telephonic appearances are permitted in nonevidentiary hearings for civil and family law cases, 58 this technology is used irregularly. One large court in California indicated that although it had the ability to use video conferencing, it was used an average of only 15 times in 2015 and





2016. A few examples of courts that use video conferencing follow:

• The Superior Court of Fresno County (Fresno Court) has been using video technology for a variety of remote appearances since 2013. The court began using this technology for traffic infraction cases with defendants who live in rural areas, letting parties appear at hearings by video from a north county location. For some parties, this service eliminated a 90-minute drive both to and from the main courthouse.⁵⁹ In 2014, the court started using video conferencing to provide certain interpreting services. The court also facilitates the use of these interpreters' services by other courts not able to provide the needed interpreter on their own. Starting in 2016, the court⁶⁰ began offering assistance to rural court users seeking domestic violence restraining orders and related services of domestic violence advocates via video conferencing from a Fresno Court courthouse to two secure locations in other parts of the county. This service allows

Although remote video appearances are not used extensively throughout the trial courts, judicial officers who have used them are generally satisfied with the experience.

- the advocates and court users to view and complete documents simultaneously.
- The Superior Court of Merced County permits parties to request video appearances. It does not limit the types of proceedings for which a request may be made.⁶¹
- Orange Court provides⁶² video remote appearance services in family law proceedings, including hearings on orders to show cause, law and motion, readiness conferences, trial setting and status conferences, settlement conferences, and fee waiver hearings.

Although remote video appearances are not used extensively throughout the trial courts, judicial officers who have used them are generally satisfied with the experience.⁶³

Reduced use of remote appearances may reflect a lack of awareness by court users that it is available. An additional barrier may include judges' willingness to permit remote appearances, and requirements for the consent of all parties. Statutory provisions encouraging the use of video appearances, a uniform and consistent use of video conferencing, and a branchwide effort to inform court users of its availability would promote its use. Remote appearances would especially benefit those court users who face mobility and vulnerability barriers and individuals who live or work far from the courthouse.

The Futures Commission believes that the option to attend court proceedings remotely should ultimately be available for all noncriminal case types and appearances, and for all witnesses, parties, and attorneys in courts across the state. ⁶⁴ Judges should retain discretion to require in-person appearances, as appropriate.





The Futures Commission recommends the development of a pilot project in one or more courts for remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings, including evidentiary hearings, unless there is good cause for mandating a personal appearance.

BENEFITS TO THE PARTIES AND THE COURTS

Video conferencing provides the following benefits:

- Gives participants options for appearance locations, including from their homes or workplaces.
- Saves time, cost of travel, and the need to miss work or arrange childcare.
- Provides easy access for those with physical disabilities or who live far from the courthouse.
- Offers predetermined, convenient video conferencing locations to be set up for users without access to needed devices.
- Provides individuals in custody the ability to appear in civil matters, reducing costs for the state and the person in custody.

COSTS TO IMPLEMENT

The costs to a court to implement video conferencing technology will vary. One-time cost for video conferencing hardware (i.e., cameras, microphones, and video screens) for one courtroom is approximately \$9,300.65 Usually, only one 360-degree camera is needed to provide video images, one LCD computer screen is needed for the judge's use, and at least one large LCD screen or projector screen is needed for the courtroom. The size and layout of the courtroom will determine the number of actual cameras, microphones, and video screens needed. Total cost for hardware also depends on the equipment

The option to attend
court proceedings remotely
should ultimately be available
for all noncriminal case types
and appearances, and for all
witnesses, parties, and attorneys
in courts across the state.

already installed or available to the court. Courts may need to increase the capacity of their high-speed Internet connections to support conferencing equipment, or purchase software that facilitates the online connection between the courts and the remote participants. In the past few years, one court reported that a one-time purchase of software to provide this service cost approximately \$25,000. In another court, the system is provided by a third party vendor, at no cost to the court. The cost to the remote participant is approximately \$90 per session.⁶⁶

Courts will also need to commit staff resources to ensure proper system functioning and to troubleshoot any problems that may occur during use.

PUBLIC COMMENT

Public comment on the proposal to use remote video appearances was generally positive for civil unlimited cases, certain family law cases, and traffic infraction cases. The Office of the Attorney General agreed with the proposal. Members of the California Police Chiefs Association's Technology Committee indicated that remote appearances would be beneficial for off-duty officers who need to provide testimony.







SIMILAR PROCEDURE IMPLEMENTED ELSEWHERE

Other states have incorporated and expanded the use of video technology in settings such as SRL services, inmate competency evaluations, trial preparation, and attorney jail interviews.⁶⁷ Some specific examples follow:

- Minnesota uses video conferencing for remote appearances in certain civil case types⁶⁸ and to conduct child support enforcement hearings.⁶⁹
- Florida and New Jersey often use this technology for child dependency proceedings when one of the parents is in custody.⁷⁰
- Illinois uses video conferencing for a variety of court proceedings and meetings in 46 courtrooms and conference rooms.⁷¹

PILOT PROJECT FOR REMOTE VIDEO APPEARANCES FOR NONCRIMINAL COURT PROCEEDINGS

The Futures Commission suggests a robust pilot project be employed to test technology and procedures for remote video appearances. The pilot projects will assist in determining the appropriate case types and proceedings for video appearances. The pilot should help address concerns about replacing the traditional forum of in-person interactions with increased reliance on technology. The intent is not to create virtual courthouses, but to allow remote appearances in proceedings where it is deemed appropriate, while retaining the option of in-person appearances. The pilot project will also address concerns about potential costs for equipment and fees.

In developing the pilot project, it will be important to consider how video participation best promotes effective communication between the different locations. Proper technology and facilities in both the courtroom and remote location should meet minimum standards as to image and audio quality. The technology should also permit private communication with attorneys or parties, document transmission with electronic signatures, display of multiple images, and distribution of electronic evidence from one location to another.

Court processes and procedures will require updating to reflect and complement the use of video conferencing for remote appearances. A new process for enforcing laws of contempt of court will need to take into account that the violator may not be physically present in the courtroom. Below are examples of areas that should be addressed in updated court processes and procedures:

- Determining what specific video applications, platforms, or technical standards are appropriate.
- Training for court staff, judicial officers, attorneys, and other court users.⁷²
- Developing procedures for:
 - Notice of remote appearance to parties and court;
 - Determining the maximum number of participants who may appear remotely;⁷³
 - Addressing technical issues during proceedings;
 - Administering oaths or affirmations for those giving testimony;
 - Handling evidentiary issues, including viewing evidence, creating the record, and preserving the original when appropriate; and
 - Addressing the completion and signing of documents.





AUTHORIZATION NEEDED TO IMPLEMENT

No law currently precludes appearances by remote video conferencing in noncriminal cases. This technology is already used with consent of all parties in some cases. Specific legislation is needed to authorize the use of video remote appearances without consent of all parties for courts participating in the pilot project. Eventually, the current statute and rules of court regarding telephonic appearances⁷⁴ would be expanded to include video appearances and to apply to evidentiary hearings and trials. The statute and rules could also be amended to include any additional issues identified during the pilot program.

The pilot project will require funding to implement and evaluate the outcomes. Determination of the metrics for the pilot project should be left to those implementing it. However, evaluation data could include:

- Number of requests and users by case and proceeding type.
- Actual cost to provide remote appearances for the courts and parties.
- Satisfaction level of parties, counsel, and judicial officers with the:
 - Effectiveness of remote appearances in the various proceeding types;
 - Ability to evaluate credibility of a remote participant;
 - Ability to confront a remote participant;
 - Effectiveness of communication between the users in various locations; and
 - Ability to share evidence between locations.

If the pilot project is determined to be successful, minimum technology standards for remote video appearances, software, and equipment should be developed for branchwide implementation.

RATIONALE FOR RECOMMENDATION 3: VIDEO ARRAIGNMENTS

A "video arraignment" uses video conferencing technology to connect the defendant in the county jail to the judge and other participants in the court-room. The previous section on video conferencing in noncriminal proceedings includes discussion on the technology and the impact it may have on the courts and justice partners. To reduce duplicate discussion, this section will refer to those areas of discussion consistent with its use for video arraignment but provide more detailed discussion directly pertinent to arraignment proceedings. Unlike the recommendation for use of video conferencing, which calls for a pilot project, this recommendation calls for statewide implementation.

Travel time, costs, and congested calendars often make in-person arraignments burdensome to parties, court users, courts, and transporting agencies. This is particularly true when defendants are housed in county jails. On the day of the arraignment, in-custody defendants are escorted from their living cells to a holding cell where they wait to be transported to the courthouse. Information shared with the Futures Commission indicates that the wait time before transport can be many hours, depending on when officers are available for escort when the arraignment begins, and whether inmates are divided into multiple vehicles. Before transport, defendants and vehicles are thoroughly searched. Defendants are then driven by bus or van to the courthouse. At the courthouse, defendants may remain in a holding cell until their proceedings begin, and are then escorted to the courtroom. Following the arraignment, most defendants remain in custody. Once arraignments and all other proceedings for in-custody defendants are complete, the in-custody defendants are driven back to the county jail. The







county sheriff monitors the defendants during this entire process to protect both the public and other inmates and to reduce the risk of escape. This is a costly, labor-intensive, and cumbersome system. An arraignment may take only a minute or two, but an in-custody defendant may spend an entire day being readied, driven, and waiting for that brief appearance. Often, all in-custody defendants must wait until every inmate is finished with court before any will be returned to the jail. The use of video technology for remote appearances can improve efficiency for courts and sheriff's departments, and reduce the burden on defendants.

USE OF VIDEO ARRAIGNMENTS IN CALIFORNIA

California courts conduct numerous arraignments each year.⁷⁵ In 2016, a small court conducted a total of 16,093 arraignments,⁷⁶ a medium-sized court performed approximately 73,000 in-custody arraignments,⁷⁷ and a large court performed approximately 126,328 in-custody arraignments. The potential for efficiencies is clear.

The use of video arraignment for in-custody defendants was authorized in California in 1983 by Penal Code section 977(c), establishing video arraignment pilot projects.78 The December 1991 Council report to the Legislature⁷⁹ on the pilot projects concluded that the 14 participating courts enthusiastically supported video arraignment and that cooperation and coordination with the various agencies involved were vital to the success of the projects. The report also noted that in addition to cost savings, cost avoidance should be included in any evaluation of video arraignment projects. Costs are avoided when security risks are reduced with a decrease of in-custody defendants managed in court and detained in court holding cells. With some exceptions, Penal Code

section 977(c) continues to permit an initial court appearance for any charges to be conducted by two-way electronic audio-video communication, with consent of an in-custody defendant.

The Legislature has given the California Department of Corrections and Rehabilitation (CDCR) similar authority, pursuant to Penal Code section 977.2. This section permits certain court appearances via two-way electronic audio-video communication for a state prison inmate charged with a new offense. Before this legislation, the Legislature had authorized CDCR to establish a three-year pilot project to evaluate video conferencing for this purpose in five facilities.⁸⁰

The use of video technology for remote appearances can improve efficiency for courts and sheriff's departments, and reduce the burden on defendants.

Some trial courts currently maintain a video arraignment program. For example, the Superior Court of Sierra County (Sierra Court) conducts video arraignments as a result of decommissioning the county jail. Currently, Sierra Court inmates are held in a Nevada County facility. Data were unavailable regarding the number of video arraignments conducted. However, anecdotal information reported the reduced need for additional security is a substantial benefit. The Superior Courts of Merced and San Bernardino Counties also have a video arraignment program.



Despite decades of successful and well-received pilot programs, the use of video arraignment has neither spread across the judicial branch nor maintained longevity in many courts. Feedback received by the Futures Commission suggests that the lack of use stems from the requirement that defendants consent, and resistance by public defenders.

The Futures Commission recommends legislation authorizing the use of video arraignments in all cases without the defendant's stipulation so long as certain minimum technology standards are met by the trial court.

Implementation of video arraignment requires the same technology discussed in the recommendation for video conferencing. The technology must support interactive and confidential communications among the defendant, judge, defense attorney, and district attorney. A court's design and implementation of video arraignments should consider how current processes and procedures would require modification and include best practices for implementation. The court technology and facilities requirements and minimum capabilities of the technology discussed previously apply to the use of video arraignment as well. But unlike remote appearances, video arraignment requires that a physical location and equipment be provided for the remote participant as well as in the courtroom. A room within the jail must be identified and configured for this use. At a minimum the space should accommodate the defendant, an attorney, and a sheriff's officer.

Implementation of such a system will require the following:

 Training for staff, judicial officers, attorneys, and sheriff's officers, and informational documents or videos for the defendant.

- Procedures for:
 - Addressing technical issues during proceedings, including how to handle a proceeding if the issue cannot be resolved;
 - Addressing the completion and signing of paperwork;
 - Providing for confidential communication between attorney and client; and
 - Providing for conferences among counsel and the judicial officer.

A court's implementation plan should include data collection and measure program success. Data collected by the court include types of technology issues, costs associated with the project, and other issues not originally identified that may be relevant to the evaluation of the program. This information will help identify any additional changes to enhance program success.

If video arraignments prove successful, consideration should be given to expanding the use of video conferencing in other criminal proceedings involving in-custody defendants. In 2016, a large court spent approximately \$574,000 in transportation costs, including employee salaries and benefits, vehicle rental, and fuel and maintenance for proceedings other than arraignment. This court now performs in-custody arraignments at the jail and does not currently incur transportation costs related to those appearances.

AUTHORIZATION NEEDED TO IMPLEMENT

Legislation will be needed to authorize video arraignments without the defendant's stipulation. The legislation would amend Penal Code section 977(c), and any other relevant statutes, to:

- Apply in all case types; and
- Remove the requirement of stipulation so long as certain minimum technology







standards are met. Such standards should include minimum color, video, and audio quality; minimum viewing area of cameras in the courtroom and in the jail; public ability to view arraignment from the courthouse (not necessarily in the courtroom); and minimum security protocols.

EFFICIENCIES GAINED IN OPERATIONS

The Futures Commission was unable to obtain specific cost information because these data are not recorded by county sheriffs. However, using the example of a medium-sized court, if 73,000 in-custody defendants do not require transport to proceedings, it is reasonable to expect significant cost savings.

In its October 1998 report to the Legislature regarding its pilot project discussed above, CDCR noted that it saved approximately \$120,000 a year by using video arraignment in five facilities versus transporting inmates to court. CDCR also noted a two-thirds reduction in the time of actual court appearances, which reduced the court's calendar, enhanced county jail bed availability, increased court/jail security, and alleviated court and county jail congestion.83 Although this pilot project addressed arraignment for defendants in state prison, the benefits and savings noted in the CDCR report provide a useful reference. The number of CDCR inmates who would otherwise be brought to court is dwarfed by the number of in-custody arraignments conducted annually statewide.

COSTS TO IMPLEMENT

It will cost approximately \$5 million to install the video conferencing equipment necessary to conduct video arraignments in trial courts and county detention facilities across the state. (For detailed information about these cost esti-

mates, see *Appendix 5.1B: Estimated Cost of Video Arraignment Equipment for Trial Courts and Sheriff's Departments.*) This estimated cost includes installation of video arraignment equipment in:

- 371 criminal courtrooms, for a cost of \$3.5 million for the courts;⁸⁴ and
- 118 county detention facilities, for a cost of almost \$1.6 million for sheriff's departments.⁸⁵

In addition to equipment costs, courts and county detention facilities will also need to commit staff resources to maintain and troubleshoot any problems that may occur when the video conferencing system is in use.

PUBLIC COMMENT

Public comment was generally in support of the recommendation. It should be noted, however, that defense counsel and prosecutors will have to modify some staffing arrangements to support this approach. Statutory changes should clarify that a video appearance qualifies as an in-person appearance.

SIMILAR PROCEDURES IMPLEMENTED ELSEWHERE

Approximately 30 states currently allow video arraignments or video preliminary hearings.

• Louisiana, in 2009, developed the Video Conference Project. 86 The focus of the pilot was for appearances, arraignments, and hearings involving interpreters. The project resulted in reduced risk to the public, offender, and staff; reduction in courtroom congestion and staff overtime; and an increased presence of officers at the facility instead of at the courthouse.



- Florida allows video arraignment and provides a live stream of the proceedings for public view.⁸⁷
- The Corrections Center of Northwest
 Ohio offers video conferencing services in criminal matters, including arraignments, attorney-client conferences, and presentence investigations.⁸⁸
- Maine began using video conferencing services for video arraignments and mental health hearings in 2005.⁸⁹
- The Fairbanks Courthouse in Alaska first used video arraignment in 1984. Since then, video conferencing has seen occasional use in felony first appearances or misdemeanor sentencings for in-custody defendants.⁹⁰

FEASIBILITY OF BRANCHWIDE IMPLEMENTATION

The success of the implementation of this recommendation depends on coordination with the courts' justice partners, including the jail staff, prosecution, and defense counsel. All should be involved in the development and training for transition to such a system.

RATIONALE FOR RECOMMENDATION 4: INTELLIGENT CHAT TECHNOLOGY

"Intelligent chat" or a "chatbot" can provide information online through a question-and-answer exchange, often via text messages on a webpage or through a messaging or texting interface, automating responses to simple and repetitive questions. Such programs are frequently used by many businesses for the first level of customer service interactions. The information provided and the questions that can be answered increase and improve with usage. Many court users today

use an intelligent chat function when dealing with businesses. This technology is fairly simple to create and does not require implementation of any particular hardware or software platform.

Intelligent chat technology can be used to provide more interactive assistance for court users, especially for SRLs. Through any Internet-enabled device or smart phone with text messaging, court users could request information in their normal manner of speaking, including slang. The programs could be used to obtain procedural information, asking questions such as: How do I get a divorce? How do I serve a complaint? What do I do with this complaint? How can I pay my ticket? or How do I get a hearing? Questions about jury duty, courthouse parking, and similar inquiries can also be answered. Little knowledge of court terminology or legal procedure is required for a successful interaction. The software would identify and provide the relevant information, forms, and tools to help users navigate and understand the court process or direct them to further information or live assistance. Intelligent chat technology is available in many languages.

With intelligent chat technology, court users do not have to search multiple court webpages to identify the information, forms, or services. When integrated with CMSs, this technology can allow a court user to input a case number and retrieve information on pending court dates, upcoming deadlines, or any other information selected by the court. Once implemented, the software can continue to "learn" and the types of questions and resources it can provide will increase.

Chat technology can be especially helpful as a means of triaging self-help assistance and answering frequently asked questions, thus giving staff more time to assist court users with more complex and individualized questions.





The Superior Court of Los Angeles County (Los Angeles Court) has instituted a very successful chatbot program called Gina. The Gina chatbot, shown as an onscreen avatar, is currently online in the traffic section of the court's website and is integrated with the court's CMSs. The program allows tens of thousands of court users to pay traffic tickets, register for traffic school, or schedule court dates by using questions and easy-to-understand automated prompts to gather relevant information. It then guides the user to the appropriate webpage to expeditiously find needed services. Gina provides assistance in English, Armenian, Chinese, Korean, Spanish, and Vietnamese.

Gina greatly increases the accessibility of Los Angeles Court's traffic operations, which handle approximately 1.2 million new citations annually. Because most customers understand online services and web platforms, many of these 1.2 million citations will be handled online, reducing staff workload, foot traffic, and long wait times. Because of courthouse closures in 2014, wait times in Los Angeles Court reached 2.5 hours just to see a clerk to handle a traffic transaction. The chatbot alone now handles 200,000 interactions annually. The Los Angeles traffic court wait times have been cut from over 2 hours to 8 to 12 minutes by combining Gina with the court's online traffic court program. Four thousand customers now use Gina each week to resolve their traffic citations online.93

The costs to implement this intelligent chat technology are low compared with the dramatic decrease in processing and wait time associated with traffic cases. Los Angeles Court spent about 240 programming hours to create Gina using a program called SitePal, which costs the court \$2,500 annually. The bulk of the court's cost was the \$40,000 one-time fee that included translation

services such as voice recording for Armenian and Vietnamese, and other services related to website enhancement.⁹⁴

Another tool is the Orange Court's "Ask a Question" program, which provides general procedural information in response to online questions in civil and small claims cases. Parties enter the program by clicking on the "Ask a Question" link on the court's self-help webpage.⁹⁵ An automated Q&A application selects an answer based on keywords contained in the question. Parties use natural language to ask questions. Staff monitor the application to ensure the relevance of the answers provided. The program eliminates the need for staff to respond to many individual e-mail inquiries.

Four thousand customers now use Gina each week to resolve their traffic citations online.

PILOT PROJECT

The Futures Commission recommends developing a pilot project to implement intelligent chat technology for information and self-help services.

The pilot program would start with development of an intelligent chat function to answer questions commonly asked in static form on the judicial branch's California Courts Online Self-Help Center. Areas could include family law, certain civil and probate questions, and traffic issues. The intelligent chat feature would have a statewide entrance point on that website and would also be deployed to two or three pilot courts. Additional topics would be developed for information specific



to each of the pilot courts. The pilot would be implemented in consultation with ITAC to leverage technology where appropriate.

If successful, this pilot would provide standards and samples for courts to implement on their own websites. This approach has been successfully used, for example, in the development of court website home pages. For that project, Council staff, working with court representatives, designed and developed a standard template that courts could customize for their local needs.

Implementation of intelligent chat functions will not only provide easier access to information for SRLs, but it should ultimately free up time currently spent by clerks and self-help centers in answering simple and repetitive questions. This extra time will allow courts to better serve those who need more direct, in-person help at the courthouse, by phone, or online.

The pilot project and the use of intelligent chat are not intended to replace all direct communication between court staff and customers, but instead to answer frequently asked questions and provide noncomplex information. The pilot intelligent chat program should include an option for the court user to contact court staff during normal court hours, online or by phone.

FEASIBILITY OF BRANCHWIDE IMPLEMENTATION

The Futures Commission acknowledges the challenge of deploying intelligent chat technology branchwide because not all courts have the in-house resources or funds to create and deploy this technology. A pilot project funded by the judicial branch will help develop and test this function before requiring specific court funds or staff. The pilot will also allow the testing of a

handoff from statewide chat functionality to the local chat function.

The pilot would also analyze operational efficiencies achieved by measuring the frequency of use, the duration of each session, after-hours usage, and customer satisfaction. These data would allow for comparisons of time spent in chat sessions versus that spent in person or by telephone or e-mail, as well as analysis of call waiting times and dropped calls.

AUTHORIZATION NEEDED TO IMPLEMENT

No known existing rules or legislation would preclude the use of intelligent chat services for court users.

COSTS TO IMPLEMENT

The costs to implement intelligent chat would include program development and assistance from Council staff self-help experts. Resources for translation programs would also be required for multilanguage access. No additional hardware would be required by the courts or the judicial branch because the programs are not platform dependent. To provide a cost estimate on what this could cost, the Futures Commission used development-cost information from Los Angeles Court's Gina program.⁹⁷ The Futures Commission estimates that covering the wider variety of topics included in the current online self-help center would take up to six months of programming time, at a cost of approximately \$80,000.⁹⁸

Additional costs would be incurred to provide assistance in multiple languages. The Los Angeles Court program, using a set script, has been able to provide language access through the use of a program costing \$2,400 per year, plus a one-time cost of \$40,000 for translation into two languages





that were not included in that program. Although this figure could serve as a cost baseline to provide the pilot program in multiple languages, the cost of interpreting the natural language queries would ultimately be more expensive.

PUBLIC COMMENT

The Futures Commission sought public comment on the proposal to promote the use of intelligent chat and received no comments directly discussing this recommendation. General comments on the greater use of technology were positive.

RATIONALE FOR RECOMMENDATION 5: VOICE-TO-TEXT LANGUAGE SERVICES OUTSIDE THE COURTROOM

California residents are among the most diverse in the country, with approximately 7 million speaking more than 200 languages. Without proper language assistance, LEP court users may be excluded from meaningful participation. Many courts have bilingual staff to assist some non-English-speaking users; however, they are usually limited to the most frequently used languages in that community. No court has staff fluent in the multitude of languages spoken by all court users. Court interpreters are also used when possible, but courts prioritize their services for in-court proceedings. Because court users can appear any time, scheduling interpreters on short notice is virtually impossible. Another limitation is the availability of interpreters for emerging languages spoken by newly arrived immigrants.99 Typically, these court users come to the public filing counters, self-help centers, and information desks. Court staff often find themselves assisting LEP individuals without an interpreter present.

In the absence of an interpreter, many court users rely on the help of a family member or friend. Often these individuals do not, themselves, understand legal terminology or court procedures. Friends and family members may also experience LEP, limiting their own availability to assist.

Some courts use telephonic interpreter services provided by a third party.¹⁰¹ The services are provided on demand in such settings as customer service counters, self-help centers, and other areas.¹⁰² These services can be provided in multiple languages.¹⁰³ The cost for a certified telephonic language interpreter ranges from \$1.49 to \$1.99 per minute and \$0.99 per minute for a noncertified interpreter. The vendor provides a single, toll-free number. From March 2016 to February 2017, the services under this master agreement were used by 17 courts.¹⁰⁴

Current technology can combine speech recognition technology and translation software. Speech recognition turns spoken language into text by a computer or other device. Speech recognition technology is used successfully by business organizations in various applications, including voice dialing for smart phones, data entry by phone in customer service calls, word processing by dictation, and language learning. More complex applications include military use of voice commands for fighter aircraft.

This technology integrated with translation software now allows two individuals who speak different languages to converse without the assistance of an interpreter. The process works as follows:

 When an individual speaks, his or her words are heard by the other participant. The text of the spoken words is displayed on screen in the speaker's language and immediately translated into the listener's language.





- When an individual finishes speaking, the software also provides an audio interpretation in the listener's language.
- At the end of the conversation, a transcript of the conversation is available, which includes a record of the conversation in each speaker's language.

This technology integrated with translation software now allows two individuals who speak different languages to converse without the assistance of an interpreter.

Recent advances in voice-to-text language technology have been substantial and will continue to improve. Although these services are not yet accurate enough for hearings or trials, use of the technology within the courts for noncourtroom activities would greatly improve access for LEP court users. The technology can be customized, incorporating court-specific terms into the software. The voice-to-text language technology could be accessed by court staff on a tablet or other device to assist communication between court staff and LEP court users at clerk's counters, business offices, self-help centers, and other locations. Further, these translation services can be combined with intelligent chat technology to further enhance access for LEP court users. Use of this technology may replace other contracted services and their associated costs.

The Futures Commission recommends developing a pilot project for the use of voice-to-text language interpretation services to serve court users at court filing and service counters and in self-help centers.

Successful application of this technology would enhance access in multiple languages conveniently, without court users having to wait for an interpreter, family member, or friend to translate for them. Use of this technology also allows court staff to print out the conversation for later reference by the court user, and to serve as a record of the information given. This technology can also enhance information available at self-help centers.

PILOT PROJECT

The pilot project should include several courts, preferably of different sizes. The courthouses participating in the project should serve a large number of LEP court users, at the clerk's counter and in self-help centers.

AUTHORIZATION NEEDED TO IMPLEMENT

No existing statutes or rules of court preclude the use of voice-to-text language services outside the courtroom. However, to implement the pilot project, participating courts would need to work cooperatively with any affected unions. Voice-to-text translation services must be used in a manner consistent with:

- The court's obligations under their respective regional interpreter memoranda of understanding;
- All applicable sections of the Trial Court Interpreter Employment and Labor Relations Act, as well as the Trial Court Employment Protection and Governance Act;







- The payment policies for contract court interpreters; and
- The Government Code sections, California Rules of Court, and Judicial Council forms applicable to the use of noncertified and nonregistered interpreters during court proceedings.

The pilot project will require funding to implement and to evaluate. Evaluation factors include:

- Frequency of use by location, case and proceeding type, and the duration of each session;
- Actual cost of devices and software for the court and a comparison to previous expenses for telephonic interpreter services from LanguageLine Solutions, if applicable; and
- Satisfaction of court staff and court users with the effectiveness of the interpretation in the various locations of use and proceeding types.

Evaluation of the pilot project will allow the judicial branch to assess the technology's usefulness and define best practices for using voice-to-text language services. If the pilot project is successful, minimum standards for its use should be developed and implemented branchwide to achieve the goals of Access 3D.

COSTS TO IMPLEMENT

Costs for the pilot project will vary based on size of court, number of courthouses, and number of clerk counters, as well as the device the court uses for this technology. The estimated cost of a laptop is \$500, or \$400 per tablet. Currently, voice-to-text language software is available on most devices at no charge.

Some courts currently use LanguageLine when the need for interpretation arises. Use of voice-totext translation technology would replace use of LanguageLine and the associated costs.

PUBLIC COMMENT

Public comment on this proposal was generally supportive. Some comments highlighted the need for funding assistance for some courts. No comments were received in opposition.

FEASIBILITY OF BRANCHWIDE IMPLEMENTATION OR PILOT PROJECT

The Futures Commission recognizes that with certain new processes, implementing a pilot project is more feasible and prudent than implementing a branchwide program. A pilot project provides the opportunity to gauge the impact on court and user interaction and to fine-tune a branchwide program. As such, a pilot project to provide voice-to-text translation services would be more feasible than branchwide implementation. The pilot project would provide information vital to future expansion.

The pilot project could include a few courts or a single court. If a single court is chosen, a medium-sized court with a known LEP court user population would be optimal. A participating court should have the flexibility to select the specific hardware to be used to access the voice-to-text translation service software.

This recommendation supports Goal 3 of California's language access plan, which states: "By 2020, courts will provide language access services at all points of contact in the California courts. Courts will provide notice to the public of available language services." The use of this technology will further assist LEP court users when prepared information, either electronic or





printed in their language, may not address their particular questions.

If the pilot project is successful, extending its use, in conjunction with intelligent chat technology, would also support ITAC's SRL E-Services initiative, included in the *Tactical Plan for Technology (2017–2018)*.

Failure to innovate results in the failure to thrive.

RATIONALE FOR RECOMMENDATION 6: INNOVATIONS LAB

Technology is constantly and rapidly developing and will continue to do so at an exponential rate. This pace makes it challenging to predict what the future will bring and what will become possible. Personal computers and the Internet have completely altered how information is accessed. Mobile technology and cell phones have revolutionized how individuals interact with each other and the businesses and services they use. Development of quantum computing, expected to be many times faster than today's digital computing, is likely to lead to yet another revolution, the scope of which is unpredictable.

Private sector companies commit time and resources to innovation. In the world of commerce, failure to innovate results in the failure to thrive. Even large companies that do not innovate disappear. For forward-thinking companies, this innovation has been identified through "innovations labs" or similar working groups dedicated to considering what is coming next and how best to use it.

In light of this proven utility, the Futures Commission believes that the judicial branch must promote this culture of innovation within the court system through the creation of a similar innovative group. Courts that do not innovate will not disappear. They will, however, become increasingly costly, inefficient, and anachronistic. Ultimately, their ability to provide meaningful access to justice will be compromised.

It should be noted that the Council's strategic and tactical technology plans provide an existing framework for judicial branch technology initiatives in the short term. Many innovations currently underway statewide began with innovation in local courts supported by the technology expertise available in-house. Although local innovation is important, a key to staying current is to look even further out, beyond the next few years, and to do so in a focused and consistent way. The judicial branch will benefit if it can continually interact with experts on the front line of technology. Focused efforts of an Innovations Lab will allow the judicial branch to be involved in technologies as they develop rather than belatedly reacting to them, at a cost of modification efforts and delayed implementation. It will also keep the Council informed so innovation can be meaningfully included in its long-term planning.

INNOVATIONS LAB MODEL

Structure

The Futures Commission envisions that the Innovations Lab would be a small unit staffed by members of the Council's Information Technology office. A new technology innovations advisory committee would be developed to review and make recommendations to the Council based on the work of the Innovations Lab. This advisory committee would be under the oversight of the Council's Technology







Committee. It would work in parallel with ITAC, but would focus on a longer-term view than that currently possible for ITAC. The members of the innovations advisory committee would be judicial officers, court executives, and information technology directors, academics, and possibly members of private industry or other subject matter experts appointed by the Chief Justice. ¹⁰⁶ Unlike ITAC in its current form, this new group would not be involved in implementation.

A key to staying current is to look even further out, beyond the next few years, and to do so in a focused and consistent way.

Innovations Lab staff and the director of the Council's Information Technology office would be responsible for providing periodic updates to the new technology innovations advisory committee. At least once a year, the advisory committee would review and provide input into the areas of technology and specific projects being investigated by the lab and its plan for future work. The advisory committee would also report to the Council annually on the work of the Innovations Lab and make appropriate recommendations.

Charge

Innovations Lab staff, working with its advisory committee, would be responsible for exploring developing technology with potential applications for the judicial branch. It is envisioned that the Innovations Lab would develop goals for the year and memorialize these goals with identified

activities in an annual work plan. Specific activities for the Innovations Lab could include the following:

- Meeting regularly with technology companies to make sure the judicial branch is aware of the latest innovations that could be useful to the courts. In its research for developing these recommendations, the Futures Commission was able to meet with several technology companies to learn about the latest innovations in business and government. The Futures Commission envisions that the Innovations Lab could continue this model. This ongoing partnership with industry technology leaders will allow the judicial branch to be part of conversations and brainstorming as to what concepts, products, or services might benefit the court and the public. Such a relationship would allow the judicial branch to influence developments, rather simply reacting later. One model for collaboration is the Center for Legal and Court Technology (begun as the Courtroom 21 Project), sponsored by the National Center for State Courts in collaboration with William & Mary Law School. This program conducts a technologically advanced trial and appellate courtroom in which new technologies and courtroom procedures can be tested.
- Participating in and facilitating communication among individuals, company representatives, and court staff regarding new ways for courts to conduct their business and to present their ideas.¹⁰⁷
- Participating in or attending national or state technology forums focused on future court innovations.



 Conducting analysis and research on identified innovations, both in private industry and government, including newest hardware and software, to develop recommendations for the Council's Technology Committee.

The Innovations Lab's scope of review would include new ways in which technology can benefit the courts and the public. The increasing amount of data that will become available as more courts implement electronic CMSs will lead to the possible use of data analytics, for example. Such information clearly will be helpful in improving day-to-day operations of a particular court and may also be useful for addressing other, larger issues statewide.

BENEFITS ACHIEVED BY DEVELOPMENT OF INNOVATIONS LAB

By learning more about what new technology is on the horizon, the Innovations Lab would also assist the Technology Committee and ITAC to comply with one of the Council's guiding principles for technology initiatives: "Plan ahead. Create technology solutions that are forward thinking and that enable courts to favorably adapt to changing expectations of the public and court users." ¹⁰⁸

The judicial branch would benefit by becoming aware of emerging technologies early on so those solutions can become part of the judicial branch's future planning. As was identified through many discussions with technology companies, most technology that the judicial branch could benefit from is ready and available now. The judicial branch should reposition itself from playing catch-up to active involvement as advances develop. Early information would help align current resources with upcoming innovations.

The work of the Innovations Lab would not replace or duplicate the work being done by individual

trial courts as they implement new technology. It would take a longer view, looking beyond technology solutions currently available for implementation. By leveraging its statewide focus, the Innovations Lab could ensure that all 58 trial courts, regardless of size or technological expertise, are provided with the same level of information and opportunities. Technology companies may not always be willing to provide dedicated time to smaller courts, but they will generally be willing to meet with branchwide representatives. Through the work of the Innovations Lab and the proposed advisory committee, small courts will have the same access to new ideas and cutting edge technology solutions that large ones do.

COSTS TO IMPLEMENT

The cost for the recommended Innovations Lab would be approximately \$425,000 per year. This estimate would cover annual salary and benefits for three Information Technology employees,¹⁰⁹ along with a budget for travel to national and in-state conferences and vendor locations.

The new technology innovations advisory committee would cost approximately \$28,000 per year.¹¹⁰

AUTHORIZATION NEEDED TO IMPLEMENT

The work of Council staff is organized and directed by the Administrative Director, under the supervision of the Chief Justice.¹¹¹ Their direction would be sufficient to develop the Innovations Lab as a new unit within the Council's Information Technology office.

New advisory committees may be created by order of the Chief Justice or by amending the California Rules of Court. A new rule would be needed describing the charge of the new innovations advisory committee and identifying categories of membership and potential activities.







RATIONALE FOR RECOMMENDATION 7: ACCESS TO THE RECORD OF COURT PROCEEDINGS

BACKGROUND

This rationale section contains additional background and history regarding the production of the record of court proceedings in California. The Commission deemed this information necessary to better understand the reasoning for this recommendation.

Traditional production of the record in California courts

Within the California trial courts there are approximately 1,334 filled, full-time equivalent, court-employed court reporter positions. Traditionally, these court reporters, in addition to contracted and pro tem court reporters, make note of oral proceedings and prepare a verbatim transcript that serves as the official record.

This current system and structure involves a unique employment situation in which reporters are court employees for reporting purposes, but independent contractors for the production and sale of the transcripts. (For a brief history of the development of this unique employment system, see *Appendix 5.1C: Historical Background on Verbatim Reporting of Court Proceedings.*) This system has resulted in different procedures and requirements based on whether the transcript will be purchased by a trial court or a party.

California laws related to providing a record of court proceedings

Authorized use of electronic recording

Under current law, California trial courts are authorized to use electronic recordings to make an official court record in only limited civil, misdemeanor, and infraction cases.¹¹⁴ Courts are prohibited from using electronic recording as an official record of any other action or proceeding.¹¹⁵

Verbatim reporting of proceedings by certified court reporters

The law requires verbatim reporting by a courtprovided, certified court reporter only for felony cases, as well as criminal grand jury, juvenile, and involuntary civil commitment proceedings.¹¹⁶ Verbatim reporting is also required in criminal misdemeanor and infraction cases, but may be provided by electronic means.¹¹⁷

In other case types, including unlimited civil, most family law, 118 and probate matters, most courts 119 are not required to provide a court reporter. Instead, the party must arrange and pay for a court reporter or go without a record. Even when the court provides a reporter, the parties must pay for the reporter's services in the courtroom. 120

Purchase of transcripts

Courts are required to purchase transcripts when needed to provide the record on appeal for most criminal, juvenile, and involuntary civil commitment proceedings.¹²¹ In felony and misdemeanor appeals, an indigent defendant is generally entitled to a complete verbatim transcript at court expense.¹²² Alternative forms of the record that provide the constitutionally required "record of sufficient completeness"¹²³ include agreed statements and settled statements.¹²⁴



The cost for a court to purchase a transcript is set by statute based on either a set fee per 100 words or by an estimated number of words, or "folios," on a typical transcript page. 125 For the original transcript, the set fee per 100 words, or folio, is currently 85 cents. A copy costs between 15 and 20 cents per folio.¹²⁶ Statutorily grandfathered procedures have resulted in different assumptions among the courts about how many folios are contained on each page. 127 A court reporter may also add a fee for delivering the transcript using a medium other than paper.128 Although a reporter has no copyright interest in the transcript, 129 a purchaser may not provide or sell a copy. 130 A copy made by the purchaser (or excerpts thereof) can be used only as an exhibit or for internal use. For that reason, for preliminary hearings and criminal proceedings, courts usually purchase the original plus two copies (one for the public defender and one for the district attorney).

For all other proceedings, the parties involved must pay for transcripts. In those cases, the statute regulating the cost of transcription¹³¹ applies only to transcripts that are requested and paid for using the advance deposit procedures in the rules of court.¹³² When transcripts in civil, family, and probate proceedings are obtained directly from the reporter, a different rate from that defined by statute may be charged. Reporters are free to vary rates.

Accountability for transcript preparation

By statute and rule of court, court reporters are responsible for the timely preparation of transcripts. Repeated failure to carry out this responsibility may result in license revocations or limitation on services as reporters. Trial court presiding judges are responsible for enforcing the timely preparation of transcripts. This responsibility,

normally delegated to the court executive officer, involves the following: "(1) maintaining records of outstanding transcripts to be completed by each court reporter, (2) reassigning court reporters as necessary to facilitate prompt completion of transcripts, and (3) reviewing court reporters' requests for extensions of time to complete transcripts in appeals of criminal cases."¹⁵⁴

ACCESS ISSUES

Reduced availability of court reporters in nonmandated cases

As a result of budget cuts and competing priorities, many courts have stopped providing or reduced the availability of court reporters in nonmandated cases. This decision creates significant access challenges for litigants needing a record of proceedings. A December 2016 survey of trial courts across the state provided the following information for the 57 responding courts:¹³⁵

- For family law proceedings:
 - 35 percent of courts provided court reporters for *all* proceedings;
 - 19 percent did not provide court reporters for any family law proceedings beyond those statutorily mandated; and
 - 46 percent provided court reporters for *some* proceedings.
- For probate proceedings:
 - 37 percent of courts provided court reporters for *all* proceedings;
 - 35 percent did *not* provide court reporters for any probate proceedings beyond those statutorily mandated; and
 - 28 percent provided court reporters for *some* proceedings.







- For civil proceedings:
 - 16 percent of courts provided court reporters for *all* proceedings;
 - 35 percent did not provide court reporters for any civil proceedings; and
 - 49 percent provided court reporters for *some* proceedings.

The survey also examined which courts used electronic recording, as permitted, when a court reporter is unavailable for limited civil cases, misdemeanors, and infractions:¹³⁶

- Only 28 percent of courts use electronic recording to make the record of proceedings in all three case types, although not in all proceedings within each case type.
- 33 percent of courts use electronic recording in *one or two* of the case types, although also not in all proceedings within the case type.
- 9 percent of courts have electronic recording equipment available for these case types; however, the recordings are not used to provide a record, but are used only for internal court purposes.¹³⁷
- 30 percent of courts *do not* have electronic recording equipment.

Parties obtain the recording of proceedings directly from the court, which are generally provided on a compact disc for a fee between \$10 and \$25. For parties who need a transcript of the recording, three courts require the use of court reporters while the remaining courts refer parties to private vendors for transcription services.

Decreasing numbers of court reporters

National data show the number of skilled court reporters is decreasing. Certified court reporting schools have experienced smaller enrollment and graduation rates, which are declining by an annual average of 7.3 percent.¹³⁸ Since the early 1990s, California's courts have experienced a steady reduction in the number of qualified shorthand reporters. This trend is projected to continue in California with an expected shortage of 2,320 court reporters in 2018.¹³⁹ The need to explore additional and alternative means to preserve and expand access to the record of proceedings is manifest.

Challenges for litigants

Providing an official record is essential to equal access, transparency, and fundamental fairness. This is particularly true in cases with SRLs. In some courts today, 75 percent of the cases in family law involve at least one SRL.140 Both limited and unlimited civil cases also have an increasing number of self-represented parties. In unlawful detainer cases as many as 90 percent of tenants are self-represented.141 Without a record, a party, especially a self-represented party, is less likely to understand a court's decision or be able to draft the text for a court's orders. This is true even for lawyers. Matters can carry on over several months. Memories and notes of the bench's rulings may lose clarity over time. Differences of opinion between counsel as to what actually took place are common.

To obtain appellate review a party must generally provide a record; failure to do so can be fatal. Parties can try to prepare a settled statement, but this option is often beyond the abilities of SRLs who may not know this alternative exists or may fail to comply with the procedural requirements. Again, fading memories, disagreements, and other uncertainties can make settled statements impossible to complete. To fairly allow parties the option of appeal, a record of the oral proceedings is crucial.

In cases where a court reporter is neither provided nor mandated, the litigants must hire a private court reporter. Private court reporter appearance fees can be considerable. In 2012, the per diem rate





for court reporters was \$735 in San Francisco and \$764 in Los Angeles. He court does provide a court reporter for nonmandated proceedings, the cost is partially offset by fees. The fee can be waived for an indigent party, he but such a waiver is not applicable when a private court reporter must be retained. Many litigants, especially SRLs, are unable to afford the cost of court-provided court reporters or the expense of a private court reporter.

Providing an official record is essential to equal access, transparency, and fundamental fairness.

Simply obtaining a transcript of court proceedings is an additional stumbling block for many. To receive a transcript, a civil litigant must arrange for payment, either by depositing the estimated payment in advance with the courts (see rule 8.130(b)) or by making arrangements directly with the court reporter. Transcripts purchased directly from the reporter can cost as much as \$7 per page. Family law and civil attorneys reported that they had been given cost estimates ranging from \$600 to \$1,300 per day for trial transcripts. 146 The cost to purchase a transcript from individual court reporters cannot be waived by the court. The Transcript Reimbursement Fund¹⁴⁷ was established to help low-income individuals obtain transcripts, but the fund is limited and is exhausted quickly each year.

These factors have created a two-tier system, leaving indigent litigants without the same opportunity to obtain a record as a party with means. These due process and equal protection issues have been noted in several cases¹⁴⁸ and in the Elkins Family

Law Task Force report to the Council. 149

Courts that currently use electronic recording for eligible case types are able to provide copies for all or parts of proceedings quickly, often by the next day. The recordings can be used by litigants to better understand what occurred, as the basis for a settled statement, or as the initial step to obtaining a transcript.

FISCAL ISSUES FOR COURTS

In fiscal year 2014–2015, an estimated \$215 million was spent by the trial courts to provide an official record of proceedings. This figure includes just over \$196 million to provide court reporter services, and \$19.3 million for the purchase of transcripts. With more than \$200 million spent annually by the trial courts for these services, it is vital that the judicial branch exercise its fiduciary responsibility by evaluating the current system.

The overall cost for providing the record (court reporter services and cost of transcripts) varies among courts, ranging from \$9,851 to over \$66 million. Costs vary even among courts of similar sizes, ranging from:

- \$9,851 to \$265,218 for small courts;
- \$212,898 to \$1.4 million for small to medium-sized courts;
- \$1.5 million to \$6.8 million for mediumsized courts; and
- \$8.1 million to \$66 million for large courts. 153

Variances also exist for court costs to purchase transcripts. These variances may be attributed to differences among the courts including the nature of cases, ratio of preliminary hearings to trials, legal culture of the court and county justice partners, assumptions as to how many folios are on a page, 154 and the extent of strict adherence to the







transcript format standards.¹⁵⁵ Transcript costs can range from:¹⁵⁶

- Up to \$36,826 for small courts;157
- \$20,363 to \$323,359 for small to medium-sized courts;
- \$28,377 to \$575,230 for medium-sized courts; and
- \$19,489 to \$6.5 million for large courts. 158

As noted previously, litigant cost for transcripts in nonmandated case types varies greatly, and can be very expensive.

Court costs to provide reporter services in civil proceedings are partially offset by fees paid by parties. For these civil proceedings, \$23.7 million was collected in court reporter fees in fiscal year 2014–2015, of which \$17.2 million was distributed back to the courts. In comparison, the estimated expense to the courts to provide court reporter services in civil proceedings was \$67.3 million. Although the fees are intended to provide an incentive for courts to provide court reporters, they apparently do not cover the full court expense based on the relatively small percentage of courts that normally provide court reporters for *all* family, civil, and probate proceedings.

These factors have created a two-tier system, leaving indigent litigants without the same opportunity to obtain a record as a party with means.

TECHNOLOGICAL ADVANCES IN DIGITAL RECORDINGS OF PROCEEDINGS

Audio-visual technology has evolved rapidly over the last five years and has improved significantly since Council pilot projects in the early 1990s demonstrated electronic recording was a reliable, cost-effective alternative to stenographic court reporting. More than two decades later, the technology available to provide a digital recording has improved substantially. It allows a more comprehensive record, including high-definition audio and video, indexing, and improved access to records. Current features of digital recording systems for courtrooms include:

- *Cameras*—Multiple, discreet, high-definition video cameras are controlled by a computer system and switch automatically to focus on whoever is speaking.
- Microphones—At least five discreet microphones are controlled by a computer system and switch automatically to whomever is speaking. The microphones can pick up voices, even those that are soft, from 15 to 20 feet away. Multiple microphones placed throughout the courtroom allow multi-channel recording. When more than one person speaks at a time, the recording can be isolated to the relevant microphone to capture what was said by each speaker.
- Customizing audio recordings—Audio can be recorded in normal, private, or bench conference mode. Private mode is used for conversations that need to be limited between the speakers, but still on the record. Bench conference mode plays a white noise through the courtroom's speakers during conversations between the judge and lawyers.



- Indexing—Case number, time, and date stamps are automatically added to the recording and the court clerk and judge can add supplemental comments during the recording. This index allows easy retrieval of specific portions of the recording for parties, judges, clerks, and appellate review.
- Comprehensive record—Evidence presented through in-court electronic technology such as document and exhibit displays, videos, remote witness appearances, and 3-D animation can be included in the record.
- Storage and access of recordings—Years of recordings can be stored in a small area, with servers often taking up no more than a closet space for a medium-sized court. Recordings can be automatically saved both on-site and in a backup location, and integrated with CMSs. Access to the recording is quick and easy with the clerk downloading the file electronically. Recordings can be made accessible to parties online.

Other advances in electronic recording systems available today or expected in the near future include voice recognition, speech-to-text capability, redaction, and streaming rough transcripts.

MECHANICS OF USING DIGITAL RECORDING IN THE COURTROOM

Responsibility for the digital recording system's daily use and operation is generally done by a courtroom monitor. The monitor role may be filled by existing courtroom staff, or by an additional staff person, generally an electronic monitor who can oversee recording in several courtrooms. The monitor is responsible for all aspects of starting, stopping, and monitoring the digital recording equipment.

The following provides general information about the monitor's activities:¹⁶³

- Before the day's proceedings begin, test the software and equipment to ensure proper operation. This includes ensuring each microphone and camera's correct placement and recording quality, and confirming proper software function.
- During a proceeding:
 - Monitor the recording to ensure it works properly and if necessary, interrupt the proceeding using the judge's established protocols to alert a judge to issues affecting the recording's quality.
 - Make log notes and annotations to enable efficient playback.
 - Assist the judge by providing playback of the recording during court proceedings while simultaneously recording; stopping the recording for "off the record" proceedings at the judge's direction; ensuring sidebar or bench conferences are recorded unless otherwise directed by the judge; and emitting white noise through courtroom speakers to prevent jurors from overhearing conversations such as bench conferences that should be recorded, but not heard by jurors.
- At the proceeding's conclusion, make entries in the CMS,¹⁶⁴ including court orders and next hearing dates and ensure the recording is properly stored and archived.

Log notes and annotations made by the monitor during the proceeding are important for the efficient playback of recorded proceedings. Log notes capture important information about the spelling of proper names, unusual terms, relevant lists of attorneys' names and addresses, witnesses, exhibits, and other information to supplement the record. Annotations mark specific points of interest





in the recording (such as when each type of examination begins, when the jury enters or leaves the courtroom, etc.). Both log notes and annotations allow monitors, judges, and lawyers to quickly find and play a specific part of the recording.¹⁶⁵

The presence of a monitor responsible for the daily use and operation of the digital recording system ensures that the recording system is an ancillary part of conducting court proceedings, which allows judges to focus on their primary responsibilities.

BENEFITS FOR PARTIES, COURTS, AND THE BRANCH

Comprehensive digital recording will provide a record of court proceedings not currently available for many parties, either because court reporters are not provided or because the cost for a court reporter and transcripts is beyond the parties' means. Digital recording of the proceeding will also serve as the official record for appellate review, rather than a transcript created from the recording.

Digital recording allows parties to obtain a record of the proceeding in a timely manner for a small fee (\$10 to \$25) as a digital file available for downloading online or via other electronic means. Digital recordings will provide additional benefits, including 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.

Transparency of court proceedings will improve trust and confidence in the courts. Currently, the lack of a record in family law, civil, and probate proceedings results in a disservice to the public, who could benefit from a record that shows what the court did throughout the proceedings. Additionally, when parties make accusations about a

judicial officer or others during the proceedings, a comprehensive digital record of what did or did not occur during a hearing benefits all involved.

Costs to the courts will be reduced because the courts will own all records of court proceedings, obviating the need to purchase them. ¹⁶⁶ Implementing a digital record will allow courts to integrate the recording system with case management and calendaring systems, use the recordings for judicial officer review and training, and reduce storage costs.

If the pilot program is successful, the judicial branch should expand the use of digital recording to all nonmandated case types statewide, ¹⁶⁷ and eventually to those case types where use of court reporters is currently mandated. ¹⁶⁸ If expanded to criminal matters, digital recording would result in even more substantial savings. When fully implemented, trial courts would no longer be required to purchase transcripts, with potential savings of \$19 million annually. ¹⁶⁹ After initial investments in the recording systems, courts will be able to provide a record of court proceedings in all cases, likely at a lower cost than the \$196 million spent annually to provide court reporter services in select case types. ¹⁷⁰

IMPLEMENTATION OF DIGITAL RECORDING IN OTHER ORGANIZATIONS

The 2013–2014 Court Reporting Industry Outlook Report, sponsored by the National Court Reporters Association, evaluated the extent to which various states use digital recording for court proceedings and classified each state's use of digital recording as either low, high, or medium.¹⁷¹ The map in Figure 1 on the next page represents these ratings, with the lightest shade for low use and the darkest shade for high use. As the map shows, 47 states use digital recording more extensively than





California. Of these states, 6 were considered to have a high usage.

The use of digital recording in other California jurisdictions and in other states is described below

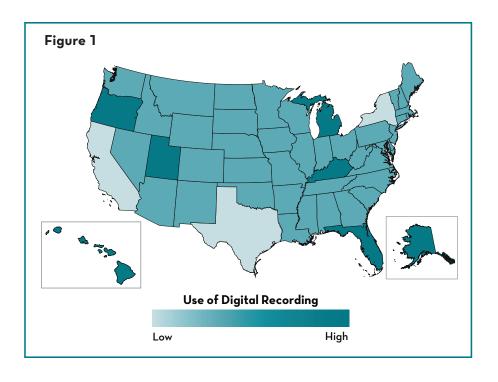
California Department of Social Services

The State Hearing Division of the California Department of Social Services (Social Services) conducts administrative hearings to resolve various disputes.¹⁷² Social Services has used audio recordings instead of court reporters for all of its

administrative hearings for at least 20 years. In fiscal year 2015–2016, Social Services conducted and recorded audio in 25,390 hearings. During the hearings, Social Services uses audio recording software with storage on a central computer system. Each hearing, which typically lasts between 30 and 60 minutes, is time-stamped in the computer system. The hearings are only transcribed when Social Services' legal office asks for the transcription pending a writ filed in a superior court.¹⁷³

Kentucky court system

The Kentucky courts have used digital recording in place of court reporters for the last 30 years. This transition began in the early 1980s when court reporters were behind in producing transcripts and courts were spending more than \$2 million a year in direct expenditures for court reporting services. In 1989, court rules were amended to allow the recordings as an official record on appeal. The rules were further amended in 1999



to provide that only the audio-visual recording would be the official record, eliminating written transcripts.¹⁷⁴ The transition to the digital recording systems occurred through an attrition process as court reporters retired.¹⁷⁵

Kentucky currently has more than 600 installations throughout the state, including courtrooms and judges' chambers. The average cost of the digital recording systems for a "power" courtroom, which includes all the technological advances described above, is \$45,000 for installation, with an average annual maintenance cost of \$3,625. This system includes 5 courtroom cameras, 10 microphones, a chambers option, a public address system, and basic evidence presentation. Kentucky courts estimate they are saving \$19.4 million per year by replacing court reporters and transcripts with the digital recording systems.

Utah court system

Beginning in 2008, the Utah courts faced severe budget reductions and began shifting away from







court reporters to digital recording, with centralized transcript management.¹⁷⁹ To implement this change, the judicial rules were modified in 2008 to state that a transcript of a video or audio recording would represent the official transcript for all case types.¹⁸⁰ Since 2009, all Utah court proceedings are captured with audio or audio-visual recording systems.¹⁸¹

Forty-seven states
use digital recording
more extensively
than California.

The cost per courtroom to install the system hardware is approximately \$25,000 per courtroom, \$1,042 for software licensing, and \$800 for a computer.¹⁸² If a courtroom already has a public address system, the hardware required to connect the microphones to the software system is approximately \$500.¹⁸³ The court clerk starts, stops, and monitors the recording system in each courtroom.¹⁸⁴ The recordings for all courts across the state are stored at a primary data center and replicated on a secondary center.¹⁸⁵

By 2009 all court reporter positions were eliminated, saving the court system an estimated \$1.1 million annually after factoring in the cost of equipment installation.¹⁸⁶ Additionally, the management of transcript production is handled by 1.5 coordinators at the Court of Appeals Clerk's Office, rather than 50 clerks statewide monitoring the production process, resulting in additional savings of about \$3 million.¹⁸⁷ The court system of Utah is significantly smaller than California's. Savings expected for California would be proportionately larger.

The Utah court system also implemented an effective online transcript management system, which:¹⁸⁸

- Provides transcribers with access to online recordings of court proceedings;
- Allows attorneys and SRLs to request transcripts; and
- Allows judges, attorneys, and litigants to view the electronically filed transcripts in the court's CMS.

The Utah court system contracts for transcription services and many transcribers are former stenographic court reporters. Since the transition to audiovisual recording, the time to complete transcripts for cases on appeal shortened from 138 days to 22 days. Only 12 days are required for cases not on appeal.¹⁸⁹

Courts in Clark County, Nevada

In Clark County, Nevada, each judge decides whether to use a court reporter or a digital recording system. Of the 32 judges currently sitting in Clark County, 28 choose to use digital systems. ¹⁹⁰ Of these, several family law judges indicated they chose the systems because of the ease of producing the record for SRLs and cost savings to the court. ¹⁹¹ In transitioning to the digital systems, court reporter positions were reclassified to one of two new court recorder/transcriber classifications. ¹⁹²

The family court division in Clark County, which traditionally does not receive as many requests for written transcripts as the civil and criminal divisions, reports "a couple hundred thousand dollars a year in net savings" by using the digital recording systems. ¹⁹⁵ For the Clark County courts, the digital recording systems have proven to be a more cost-effective method of recording court proceedings in many courtrooms. ¹⁹⁴



COSTS TO IMPLEMENT

The Futures Commission considered several different approaches for providing a record in all proceedings.

Estimate 1: Use court-employed court reporters in each civil courtroom.

Estimate 2: Use digital recording with current courtroom staff (judicial officer or courtroom clerk) operating the system and a single court-employed information systems technician responsible for effective configuration and operation of digital recording systems within the court.

Estimate 3: Use digital recording with additional court employees: electronic monitors¹⁹⁵ to operate the systems for up to four courtrooms from a central location¹⁹⁶ and a single court-employed information systems technician responsible for effective configuration and operation of digital recording systems within the court. This option relieves current courtroom staff (judicial officer or courtroom clerk) of the responsibility of running the system.

Figure 2 below provides the estimated cost for four courts over a five-year period to provide a record of proceedings in nonmandated civil case types. ¹⁹⁷ (For detailed information on these cost estimates, see *Appendix 5.1D: Cost Estimates to Provide a Record of Nonmandated Court Proceedings.*)

The cost of using digital recording with existing courtroom staff as operators (Estimate 2) is just 15 to 34 percent of the cost of providing court reporters in each courtroom. In comparison to using court reporters, digital recording with electronic monitors (Estimate 3) is less expensive for all four courts. Depending on court size, savings range from \$332,021 (Court 1) to \$10.6 million. Generally, the cost of Estimate 3 is 36 percent to 70 percent of the cost of using court reporters (Estimate 1).

Successful implementation of digital recording will require prior acceptance by the courts, judges, and justice partners. Understandably, resistance to this change is expected given the long-standing tradition in California to rely on the physical presence of a court reporter in the courtroom to provide the record.¹⁹⁸

Figure 2: Estimated cost to provide a record of court proceedings over five years for three options

| Court | Court Size | Number of Civil Court- rooms | Estimate 1 Court Reporters (Total) | Estimate 2 Digital Record (Total) | Estimate 3 Digital Record Using Electronic Monitors (Total) |
|---------|-----------------|---------------------------------------|---|--|---|
| Court 1 | Small | 3 | \$1,100,020 | \$372,061 | \$767,999 |
| Court 2 | Small to Medium | 3 | \$1,140,300 | \$372,061 | \$767,999 |
| Court 3 | Medium | 8 | \$3,463,550 | \$669,561 | \$2,253,312 |
| Court 4 | Large | 35 | \$16,615,775 | \$2,469,621 | \$6,033,062 |



PAST LEGISLATIVE EFFORTS TO EXPAND ELECTRONIC RECORDING

Since the report of the Legislative Analyst's Office in 2008 recommending that electronic reporting be phased into all California courts over a five-year period, ¹⁹⁹ there have been several legislative attempts to expand the use of electronic recording in the courts. All have been unsuccessful.

In 2008, there was a legislative attempt to add to the budget trailer bill an expansion of the permissible uses of electronic recording to proceedings in family law, probate, mental health, and civil law and motion. Despite language ensuring that this change would "not result in the loss of employment for any court employee performing court reporting services," the proposal failed.

In 2009, Government Code section 69957 was amended to expressly *prohibit* use of electronic recording for judicial note-taking, but allow it for internal monitoring of subordinate judicial officer performance.²⁰⁰ The amendments also added a requirement for advance approval from the Council for a court's purchase of electronic recording equipment.

In 2011, Assembly Bill 803 (Wagner) was introduced based on the recommendations made by the Legislative Analyst's Office several years earlier.²⁰¹ The bill would have required the Council to:

[I]mplement electronic court reporting in 20 percent of all superior court court-rooms not currently utilizing electronic recording... [and]... annually thereafter, phase in electronic recording in at least an additional 20 percent of the total number of superior court courtrooms.²⁰²

The bill further allowed the Council to implement electronic recording in more courtrooms if it would achieve additional savings. Felony cases were expressly excluded from the bill. It failed passage in the first policy committee. Court reporter associations and labor unions opposed the bill with, among others, the California District Attorneys Association, the California Public Defenders Association, and the California Defense Counsel, citing concerns over replacing a court reporter with electronic recording when an individual's liberties are at stake, as well as past and potential difficulties with electronic recordings.

In 2013, Assembly Bill 251 (Wagner) would have added family law to the list of court proceedings that could be electronically recorded if a court reporter is unavailable. The bill failed passage in the Assembly Judiciary Committee.

PUBLIC COMMENT

Court reporters, court reporter organizations, labor unions, and judges provided written and in-person comments regarding the proposal for digital recordings. This input reflected opposition and an overall belief that this recommendation promotes replacement of court reporters. Comments also centered on the technology itself and its perceived downsides, including the inability to pick up softer voices and inaudible recordings that result in longer production times as well as the potential for an inadequate record. Commenters also mentioned court costs to purchase, maintain, and replace court-owned equipment versus the current structure where court reporters purchase and maintain their own equipment.

Comments in support of the proposal raised the following points: 204

- Digital recording is preferable to a complete lack of record, which is currently the case for many litigants.
- Transcripts from recordings using current technology are of good quality.







- The recommendation addresses the serious due process and access to justice issues from lack of verbatim records in civil cases.
- A pilot project will make it possible to assess the costs, benefits, and reliability of digital recordings given the technology advances since the Council's earlier pilot studies.

The Futures Commission considered all comments received, and concluded that it should advance this recommendation. Many other states successfully use digital recording in their courtrooms. California courts should take all necessary steps to capitalize on significantly evolved technology to enable greater access to the record by all parties and achieve efficiencies and savings in conducting court business on behalf of the people of California.

PILOT PROGRAM FOR DIGITAL RECORDING

During its investigation, the Fiscal/Court Administration, Family/Juvenile, and Technology working groups considered whether to recommend using digital recording in all courtrooms, regardless of case type. Such a proposal was met with considerable resistance, particularly from court reporters. Recommending such broad use of digital recording raised a number of complex issues. For court reporters, labor and contractual issues would be implicated. A number of additional statutes that require only certified reporting for specified case types would have to be amended. As a result, the Futures Commission is currently recommending implementation of a pilot program to digitally produce records where they are not currently mandated. This approach will not run counter to existing labor and contractual constraints while still allowing the testing of this technology to enhance access to the record of court proceedings.

Implementing digital recording in all cases across the state would require substantial investment of time and funds. The Futures Commission is instead recommending an initial pilot project in a small number of superior courts and the appellate district courts in which they sit for cases in which court reporters are not currently mandated by statute. This pilot project would provide valuable information on the use of this modern technology in existing California courtrooms, more precise cost and savings estimates, and the experience of using this method for appellate review purposes. This pilot project approach is consistent with, although less ambitious than, the 2008 proposal by the Legislative Analyst's Office, which proposed implementing electronic recording in 20 percent of all superior court courtrooms in the first year and phasing in another 20 percent of courtrooms annually thereafter.²⁰⁵

Digital recording is preferable to a complete lack of record, which is currently the case for many litigants.

The participation of one or more courts that generally do not provide court reporters for certain nonmandated case types would meet a previously unmet need. Although details should be left to the implementation effort, participating courts, in collaboration with the Council, should have flexibility in selecting the digital recording systems, determining who will operate the systems in the courtroom, how the digital record will be provided to the parties, and the fee charged for the record.





Voluntary court participation in the pilot project would help to ensure an appropriate level of effort to properly evaluate the pilot.

AUTHORIZATION NEEDED TO IMPLEMENT

Legislation would be required to authorize digital recording of proceedings as the official record in those cases in which courts are not currently mandated to provide court reporters during a specified pilot period. The legislation would:

- Permit pilot courts to use digital recording to provide the official record of court proceedings in these nonmandated case types.
- Establish the recordings as the official record for appellate purposes.
- Permit pilot courts to sell the digital recording to the parties.
- Authorize the development of Council rules to implement the pilot project.

The pilot will require funding to implement the digital recording systems, evaluate outcomes, and identify any modifications that may be needed to best achieve statewide implementation. Although determining the metrics for the project should be left to those implementing it, some to be considered include:

- Increase, if any, in the number and percentage of proceedings for which there is a record of proceedings, compared to a current baseline.
- Increase in the percentage of cases on appeal with a record of proceedings.
- Satisfaction of parties, counsel, and judicial officers, at both trial and appellate levels.
- Actual cost to provide digital recording compared to the estimated cost to provide the same service with court reporters, including the cost to parties to purchase transcripts.

If the pilot program is successful, minimum standards for digital recording systems, software, and equipment should be developed for statewide implementation.

OTHER ALTERNATIVES EXPLORED

In addition to considering a broader use of digital recording, the Futures Commission also explored the following as options to improve access to transcripts for litigants and the courts:

- For all cases in which a transcript is required to be purchased by the court²⁰⁶ or is requested by a party,²⁰⁷ allowing the court to purchase the transcript at a statutorily set fee for an original transcript. This statutorily set fee could be set at a higher rate than what courts currently pay for originals. The court would then own the transcript and the rights to reproduce the transcript for its own use.²⁰⁸ The court could then charge parties at the cost paid by the court as a pass-through expense.
- Setting by statute the cost of transcripts that can be charged by court reporters to parties in nonmandated proceedings.²⁰⁹
- Providing for court ownership of all requested and required transcripts, ending the purchase of transcripts by the court by

 (1) making the preparation of transcripts, for court-employed court reporters, part of their court employment; and (2) having courts hire court employees (court reporters or other court employees) to perform transcription tasks or contract with vendors for transcription services, if reporters were not permitted to transcribe their notes during the court day.





Although these options were explored, the Futures Commission determined that the recommended pilot project should be pursued, at least at the outset. Based on the evaluation of the pilot, other alternatives could be considered in the future.

CONCLUSION

Given the dramatic advances in information technology over the past decade and the public's embrace of this technology, advancing the use of technology in the courts is necessary to improve court operations and enhance access.

These recommendations are designed to advance the use of technology to allow court users, judicial officers, and court staff to interact, and conduct business, more efficiently. Using this technology, courts can mitigate the impact of insufficient funding, personnel shortages, courtroom and courthouse closures, and reduced business hours. At the same time, court users, accustomed to 24/7 access, will be better served by this branch of government.





APPENDICES

RECOMMENDATION 5.1:
EXPAND THE USE OF TECHNOLOGY IN THE COURTS TO IMPROVE EFFICIENCY AND ENHANCE ACCESS

APPENDIX 5.1A: THE JUDICIAL COUNCIL'S TECHNOLOGY COMMITTEE AND INFORMATION TECHNOLOGY ADVISORY COMMITTEE

To guide the innovation of the judicial branch, the Judicial Council (Council) currently relies on the activities of its Technology Committee and the Information Technology Advisory Committee (ITAC).

The Technology Committee, one of five Council internal committees, provides input on the Council's technology policies.¹ The Technology Committee presents recommendations focusing on the long-term strategic leadership in this area. The responsibilities of the Technology Committee include:

- Developing and recommending a strategic technology plan for the judicial branch with input from advisory committees and the courts; and
- Providing oversight approval and prioritization of a tactical plan for technology. The tactical plan outlines initiatives and projects to achieve the strategic technology plan.²

ITAC, a Council advisory body, makes recommendations to the Council for improving the administration of justice through the use of technology; fosters cooperative endeavors to resolve common technological issues with other stakeholders in the justice system; and promotes, coordinates, and acts as executive sponsor for projects and initiatives that apply technology to the work of the courts.³ A specific duty of ITAC is to develop and recommend a tactical plan for technology, as described above, with input from the individual appellate and trial courts. ITAC is also expressly charged with overseeing the implementation of branchwide technology initiatives, which the committee accomplishes through sponsoring workstreams

³ California Rules of Court, rule 10.53(a). Oversight responsibility for ITAC is assigned to the Technology Committee in accordance with California Rules of Court, rule 10.30(d).







¹ California Rules of Court, rule 10.16(a).

² California Rules of Court, rule 10.16(d).

with ad hoc teams of technology experts throughout the judicial branch and through subcommittees of ITAC itself.

The Technology Committee's *Court Technology Governance and Strategic Plan*,⁴ which included a *Technology Governance and Funding Model*, a four-year *Strategic Plan for Technology (2014–2018)*, and a two-year *Tactical Plan for Technology (2014–2016)*, was adopted by the Council effective November 1, 2014. ITAC developed an updated two-year *Tactical Plan for Technology (2017–2018)* that was adopted by the Council effective March 24, 2017. Its foundation continues to be the *Strategic Plan for Technology (2014–2018)*. Together, the *Technology Governance and Funding Model*, *Strategic Plan for Technology*, and *Tactical Plan for Technology* provide a comprehensive and cohesive technology strategy that includes clear, measureable goals and objectives at the judicial branch level.

GOVERNANCE AND FUNDING MODEL

The *Technology Governance and Funding Model* includes detailed recommendations for technology governance and funding and includes a vision for judicial branch technology; 14 guiding principles to establish considerations for justice system decision makers; and suggested decision-flow processes, internal and external benchmarking data, and detailed analysis of the proposed governance and funding models.

The vision for judicial branch technology, established by the adoption of the model, guides the judicial branch in statewide and local court innovations and is a foundation for the *Strategic Plan for Technology* and the *Tactical Plan for Technology*.

Through collaboration, initiative, and innovation on a statewide and local level, the judicial branch adopts and uses technology to improve access to justice and provide a broader range and higher quality of services to the courts, litigants, lawyers, justice partners, and the public.⁵

STRATEGIC PLAN

The Strategic Plan for Technology (2014–2018) has four overarching goals:

- 1. *Promote the Digital Court*—Increase access to the courts, administer timely and efficient justice, gain case processing efficiencies, and improve public safety by establishing a foundation for the Digital Court throughout California and by implementing a comprehensive set of services for both public interaction with the courts and collaboration with judicial branch justice partners.
- 2. Optimize Branch Resources—Maximize the potential and efficiency of its technology resources by fully supporting existing and future infrastructure and assets, and leveraging branchwide technology resources through procurement, collaboration, communication, and education.





⁴ See Judicial Council of California, *Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan* (Oct. 2, 2014), www.courts.ca.gov/documents/jc-20141028-item4.pdf.

⁵ Judicial Council of California, *Technology Governance and Funding Model* (Oct. 2, 2014), 13, www.courts.ca.gov/documents /jctc-Court-Technology-Governance-Funding-Model.pdf.

- 3. Optimize Infrastructure—Leverage and support a reliable, secure technology infrastructure. The judicial branch will ensure continual investment in existing infrastructure and exploration of consolidated and shared computing where appropriate.
- 4. *Promote Rule and Legislative Changes*—Modernize statutes, rules, and procedures to facilitate the use of technology in court operations and the delivery of court services.

TACTICAL PLAN

The strategic plan in turn drives a detailed two-year tactical plan consisting of individual technology projects and initiatives, which ITAC is responsible for revising on an ongoing basis.⁶ The *Tactical Plan for Technology (2017–2018)* includes 14 technology initiatives encompassed in a number of focused projects. A subset of these, which are related to technologies explored by the Futures Commission, include:

Case management system (CMS) migration and deployment—Identify strategies and solutions for implementing case management systems with document management functionality that support the Digital Court. The focus is primarily on migration and systems deployments in progress.

Document management system (DMS) expansion—To achieve the full benefit and efficiencies of electronic filing, a court's CMS must integrate with a DMS to provide a true paper-on-demand environment and other operational benefits. While the majority of modern case management systems include integrated DMS, extending existing case management systems with DMS where feasible is far less expensive and disruptive than acquiring new case management systems.

Courthouse video connectivity (including video remote interpreting)—Restore and enhance public access to court information and services and create court cost savings and efficiencies by expanding the use of remote video appearances and hearings in appropriate case types and matters; expanding remote availability of certified and registered court interpreter services; and expanding the use of remote video outside of the courtroom (e.g., self-help center/family law facilitator and/or mediation).

Self-represented litigants (SRLs) e-services portal—Define digital services for SRLs to provide more convenience to the public and tangible benefits and cost efficiencies to the courts. The initiative will develop a comprehensive set of business and technical requirements intended to deliver increased online assistance, greater integration of self-help resources, and greater self-reliance for those hoping to resolve legal problems without representation.

Statewide e-filing program development—Historically, each court has certified e-filing service providers (EFSPs) individually for its particular CMS and jurisdiction, resulting in 15 to 20 EFSPs doing business in the courts. This initiative is a statewide approach to select multiple vendors to service California's trial court e-filing needs by shifting the duty of selection and certification of EFSPs away from the court and to the judicial branch.

E-filing deployment—One component of a successful e-filing implementation is a court e-filing manager (EFM) to track all inbound and outbound transmissions and perform some validation checking. This initiative will select an EFM for a statewide e-filing solution.

⁶ California Rules of Court, rule 10.53(b)(8).



Identify and encourage projects that provide innovative services—This initiative will investigate the potential for starting projects focused on providing innovative services to the public, the State Bar, justice partners, and law enforcement agencies. These services will provide a conduit for easier access to court resources, generate automated mechanisms for conducting court business, and generate efficiencies within each judicial branch entity, thereby promoting more effective use of judicial branch resources and existing infrastructure.

Expand collaboration within the branch IT community—Although there are experienced technology staff branchwide, insufficient technology resources within individual courts continue to be a challenge. This initiative is intended to identify opportunities for sharing technical resources, advancing technology leadership, and expanding collaboration throughout the judicial branch.

Transition to next-generation branchwide hosting model—The current California Courts Technology Center (CCTC) hosting model for information technology applications and services was developed largely based on the strategy of central hosting of court case management systems and other shared applications. As hosting models and technology evolve, the most cost-effective branchwide strategy for applications and services hosting may be enabled through a combination of selective consolidation, virtualization, and implementation of secure private and public "cloud" environments (i.e., storing and accessing data and programs over the Internet). This initiative will determine an updated model for branchwide hosting, including all judicial branch entities.

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APPENDIX 5.1B: ESTIMATED COST OF VIDEO ARRAIGNMENT EQUIPMENT FOR TRIAL COURTS AND SHERIFF'S DEPARTMENTS

ESTIMATED COST FOR COURTS

The estimated cost for each court to install the equipment necessary to conduct video arraignments was calculated as follows:

- 1. A December 2016 survey of trial courts statewide provided information on the total number of courtrooms in each court that hear criminal proceedings.¹
- 2. Based on the number of criminal courtrooms for each court, the number of criminal courtrooms that would need video arraignment systems was estimated as follows:
 - Small courts: For courts with 2 or fewer criminal courtrooms, each would be equipped to conduct video arraignments; for courts with 3 or more criminal courtrooms, 50 percent of the criminal courtrooms would be equipped.²
 - Small- to medium-sized courts: 50 percent of the criminal courtrooms would be equipped.
 - Medium-sized courts: 40 percent of the criminal courtrooms would be equipped.
 - Large courts: 30 percent of the criminal courtrooms would be equipped.
- 3. The number of courtrooms to be equipped was multiplied by \$9,300 (the cost of video arraignment equipment).

ESTIMATED COST FOR SHERIFF'S DEPARTMENTS

The estimated cost for each sheriff's department to install the equipment necessary to conduct video arraignments was calculated as follows:

- 1. The number of county detention facilities operated by each sheriff's department³ was identified.
- 2. The number of detention facilities was multiplied by \$13,400 (the cost to equip the facility with the equipment necessary for one video arraignment system). This cost represents a low estimate, as some detention facilities may need multiple systems depending on the number of arraignments conducted each day and their space availability within the jail.

ESTIMATED COST SUMMARY

Figure 1 on the next page provides the estimated cost for video arraignment equipment for both courts and sheriff's departments aggregated for each court size⁴ grouping. Based on the estimates, video arraignment





¹ Of the 58 superior courts, 57 responded to the survey. The results represent a snapshot in time that may not reflect current or future practices. For the court that did not respond, the number of criminal courtrooms was estimated as 50% of the total number of courtrooms, a value consistent with the data provided by the 57 courts.

² Values were rounded to provide a whole number for the number of courtrooms to be equipped.

³ Based on information obtained from the Board of State and Community Corrections' Jail Profile Survey data, on February 27, 2017. Information for June 2016 was the latest available. https://app.bscc.ca.gov/joq//jps/QuerySelection.asp. The count of detention facilities excluded honor farms, work furlough facilities, and transitional facilities, as they are not likely to have arraignment inmates.

⁴ Classification of court size is in accordance with 2014 authorized and funded judicial positions: small (2–3 judges); small to medium (4–15 judges); medium (21–49 judges); and large (65 or more judges).

equipment will be required in 371 criminal courtrooms for a cost of \$3.5 million to the courts and in 118 county detention facilities for a cost of almost \$1.6 million for sheriff's departments.

Figure 1: Estimated cost for video arraignment equipment for courts and sheriff's departments by court size grouping

| Court Cluster Size | Number of Criminal Courtrooms to Equip | Cost of Equipment for Courtrooms | Number of County Detention Facilities | Cost of Equipment for Detention Facilities |
|-------------------------------|---|--|--|---|
| Small (2–3 judges) | 25 | \$232,500 | 13 | \$174,200 |
| Small to Medium (4–15 judges) | 70 | \$651,500 | 31 | \$415,400 |
| Medium (21–49 judges) | 83 | \$771,900 | 33 | \$442,200 |
| Large (65+ judges) | 193 | \$1,794,900 | 41 | \$549,400 |
| Total | 371 | \$3,450,300 | 118 | \$1,581,200 |

Estimated Cost Details by Court Size

Within each court size grouping, Figures 2 through 5 below provide the estimated video arraignment equipment costs for the court and sheriff's department within each county.

Figure 2: Estimated cost for video arraignment equipment for each court and sheriff's department within the small court size grouping

| Court | Number of Criminal Courtrooms to Equip | Cost of Equipment for Courtrooms | Number of County Detention Facilities | Cost of Equipment for Detention Facilities |
|---------------------|--|----------------------------------|---|--|
| Alpine ^a | 1 | \$9,300 | 0 | \$0 |
| Amador | 2 | \$18,600 | 1 | \$13,400 |
| Calaveras | 1 | \$9,300 | 1 | \$13,400 |
| Colusa | 2 | \$18,600 | 1 | \$13,400 |
| Del Norte | 2 | \$18,600 | 1 | \$13,400 |
| Glenn | 2 | \$18,600 | 1 | \$13,400 |
| Inyo | 2 | \$18,600 | 1 | \$13,400 |
| Lassen | 2 | \$18,600 | 1 | \$13,400 |
| Mariposa | 2 | \$18,600 | 1 | \$13,400 |
| Modoc | 2 | \$18,600 | 1 | \$13,400 |
| Mono | 2 | \$18,600 | 1 | \$13,400 |
| Plumas | 1 | \$9,300 | 1 | \$13,400 |
| San Benito | 1 | \$9,300 | 1 | \$13,400 |
| Sierra ^b | 1 | \$9,300 | 0 | \$0 |
| Trinity | 2 | \$18,600 | 1 | \$13,400 |
| Total | 25 | \$232,500 | 13 | \$174,200 |

^a There are no jail facilities in Alpine County. Jail services are contracted to El Dorado County and Calaveras County.

^b Sierra County inmates are housed occasionally at the Plumas County Jail in Quincy, California, but primarily in Nevada County at the Wayne Brown Correctional Facility in Nevada City.

Figure 3: Estimated cost for video arraignment equipment for each court and sheriff's department within the small to medium court size grouping

| Court | Number of Criminal Courtrooms to Equip | Cost of Equipment for Courtrooms | Number of County Detention Facilities | Cost of Equipment for Detention Facilities |
|-----------------|---|----------------------------------|--|---|
| Butte | 8 | \$74,400 | 1 | \$13,400 |
| El Dorado | 3 | \$27,900 | 2 | \$26,800 |
| Humboldt | 2 | \$18,600 | 1 | \$13,400 |
| Imperial | 5 | \$46,500 | 2 | \$26,800 |
| Kings | 4 | \$37,200 | 2 | \$26,800 |
| Lake | 2 | \$18,600 | 1 | \$13,400 |
| Madera | 3 | \$27,900 | 1 | \$13,400 |
| Marin | 3 | \$27,900 | 1 | \$13,400 |
| Mendocino | 3 | \$27,900 | 1 | \$13,400 |
| Merced | 4 | \$37,200 | 2 | \$26,800 |
| Napa | 2 | \$18,600 | 1 | \$13,400 |
| Nevada | 2 | \$18,600 | 1 | \$13,400 |
| Placer | 4 | \$37,200 | 3 | \$40,200 |
| San Luis Obispo | 4 | \$37,200 | 1 | \$13,400 |
| Santa Cruz | 3 | \$27,900 | 3 | \$40,200 |
| Shasta | 4 | \$37,200 | 1 | \$13,400 |
| Siskiyou | 2 | \$18,600 | 1 | \$13,400 |
| Sutter | 1 | \$9,300 | 1 | \$13,400 |
| Tehama | 3 | \$27,900 | 1 | \$13,400 |
| Tuolumne | 2 | \$18,600 | 2 | \$13,400 |
| Yolo | 4 | \$37,200 | 1 | \$26,800 |
| Yuba | 2 | \$18,600 | 1 | \$13,400 |
| Total | 70 | \$651,000 | 31 | \$415,400 |

Figure 4: Estimated cost for video arraignment equipment for each court and sheriff's department within the medium court size grouping

| Court | Number of Criminal Courtrooms to Equip | Detention | | Cost of Equipment for Detention Facilities |
|---------------|---|-----------|----|--|
| Contra Costa | 9 | \$83,700 | 3 | \$40,200 |
| Fresno | 16 | \$148,800 | 3 | \$40,200 |
| Kern | 8 | \$74,400 | 4 | \$53,600 |
| Monterey | 4 | \$37,200 | 2 | \$26,800 |
| San Joaquin | 7 | \$65,100 | 1 | \$13,400 |
| San Mateo | 8 | \$74,400 | 4 | \$53,600 |
| Santa Barbara | 6 | \$55,800 | 3 | \$40,200 |
| Solano | 5 | \$46,500 | 3 | \$40,200 |
| Sonoma | 4 | \$37,200 | 2 | \$26,800 |
| Stanislaus | 5 | \$46,500 | 3 | \$40,200 |
| Tulare | 5 | \$46,500 | 3 | \$40,200 |
| Ventura | 6 | \$55,800 | 2 | \$26,800 |
| Total | 83 | \$771,900 | 33 | \$442,200 |

Figure 5: Estimated cost for video arraignment equipment for each court and sheriff's department within the large court size grouping

| Court | Number of Criminal Courtrooms to Equip | Cost of Equipment for Courtrooms | Number of County Detention Facilities | Cost of Equipment for Detention Facilities |
|----------------|---|----------------------------------|--|---|
| Alameda | 11 | \$102,300 | 3 | \$40,200 |
| Los Angeles | 78 | \$725,400 | 8 | \$107,200 |
| Orange | 22 | \$204,600 | 5 | \$67,000 |
| Riverside | 13 | \$120,900 | 5 | \$67,000 |
| Sacramento | 12 | \$111,600 | 2 | \$26,800 |
| San Bernardino | 12 | \$111,600 | 3 | \$40,200 |
| San Diego | 25 | \$232,500 | 7 | \$93,800 |
| San Francisco | 7 | \$65,100 | 5 | \$67,000 |
| Santa Clara | 13 | \$120,900 | 3 | \$40,200 |
| Total | 193 | \$1,794,900 | 41 | \$549,400 |

APPENDIX 5.1C: HISTORICAL BACKGROUND ON VERBATIM REPORTING OF COURT PROCEEDINGS

Most court reporters are court employees and occupy a unique dual status, as they are considered court employees when taking notes in recording a proceeding, but operate as independent contractors when producing and selling the certified verbatim transcript. Hence, these reporters receive a salary and benefits from the courts as court employees for recording the proceedings and earn a separate income from the sale of the transcripts they produce from their notes. After factoring in average salary, benefits, and transcript earnings, court reporters may make an estimated yearly income ranging from \$90,379 to \$194,809.\frac{1}{2} This variance increases when you consider the potential income for the subset of court reporters who have high transcript earnings ranging from \$95,567 to \$251,120 annually. In many courts, court-employed court reporters are permitted to work on the various tasks associated with preparing transcripts during regular court hours when they are not working in court.\frac{2}{2}

HISTORICAL REASON FOR COURT REPORTERS' DUAL STATUS

Before the Trial Court Funding Act, when trial courts were still part of county governments, most court reporters were independent contractors.³ Around the 1950s, courts began seeking legislation known as "staffing statutes" to provide them with authority to hire employees, including court reporters. These staffing statutes were sought by the trial courts to stabilize funding and increase their independence in an era when staffing decisions were influenced by county boards of supervisors. In the late 1950s to early 1960s, the Los Angeles court obtained staffing statutes which became the guide for other courts also seeking staffing statutes. Courts created and updated their respective staffing statutes individually negotiating with the Legislature.

When these staffing statutes were being created, many factors came together to influence a court trend in which court reporters transitioned from independent contractors to court-employed court reporters. These factors included a shortage of court reporters in some regions. Courts began offering employee status to





¹ Transcript earnings were estimated by court based on data obtained from the Phoenix Financial System after fiscal year 2014–2015 year-end data was made available. Estimated average transcript earnings included transcript costs paid to pro tems, independent contractors, and court-employed court reporters. This variance is not unique to the court reporter classification and this inconsistency is the focus of another recommendation. For more information, see *Recommendation 4.1*, *Increase Transparency, Predictability, and Efficiency of Trial Court Employment.*

² Based on responses from 10 courts representing small, small to medium, and medium-size courts, to a July 2016 PINetwork listserv inquiry. These tasks would include contacting other reporters, coordinating the pagination/index, due dates, requests for extensions, and other coordinating efforts to ensure the record is timely prepared and accurate. Informal inquiries suggest this is common practice in courts across the state. Government Code section 69956 provides that when a court reporter is not actually engaged in the performance of another duty imposed by the Government Code, the court reporter "shall render stenographic or clerical assistance, or both, to the judge or judges of the superior court as such judge or judges may direct." However, this section also provides that in providing the assistance, the court reporter "shall receive such compensation therefor as the superior court may prescribe, not to exceed the sum of twenty dollars (\$20) a day, which shall be payable by the county in the same manner and from the same funds as other salary demands against the count." This appears to be outdated and no longer followed. It remains part of the statute.

³ The statements in this subsection are based on a personal interview on June 8, 2016, with a former court executive officer (CEO) and a personal interview on June 15, 2016, with another former CEO. Both served as CEOs for at least 30 years.

attract and retain reporters. Court reporters and their representing associations sought court employment. In some cases, judicial officers advocated for their court-employment. Some believed that improved oversight could be gained if court reporters were court employees. Accordingly, the staffing statutes included all court employees, including reporters. In addition, other statutes provided per diem rates for contracted court reporters and transcript rates that left the responsibility for ownership and filing of transcripts with reporters. The creation of the staffing statutes contributed to the dual status of court reporters today. The statutes pertaining to court payments for transcripts apply regardless of the reporter's status as either a contractor or employee, they leave the responsibility for ownership and filing of transcripts with court reporters. As a result, court reporters are paid the same by the court for producing the transcript regardless of whether they are an independent contractor, a pro tem, or an employee.

COURT REPORTERS' CONTRIBUTIONS IN THE CURRENT SYSTEM

Within California's courts, official court reporters are licensed by the Court Reporters Board of California.⁴ Obtaining a license requires passing a three-part exam.⁵ Qualification for the exam may be met by graduation from a state-approved court reporting school, a valid out-of-state license, or appropriate work experience.⁶ Most prospective reporters attend a state-approved school that requires, on average, four years to graduate and costs approximately \$46,050.⁷ In addition to the hours and coursework, prospective reporters must be able to type 200 words per minute with a 97.5 percent accuracy rate.⁸

Official court reporters supply, at their own expense, the equipment necessary to provide the verbatim record. This equipment includes a stenographic machine; computer-aided transcription software; notebook computer; carrying bags or cases for stenographic machine and computer; and a printer and other office supplies (e.g., power strip, external drives, flash drives, paper, toner, and billing software). The first-year start-up cost for this equipment is \$12,045. The cost to maintain the equipment is estimated at \$2,280 per year, with additional costs of \$800 for computer replacement every three to four years and \$5,140 for stenographic machine replacement every five years.

⁴ Government Code section 69941.

⁵ Court Reporters Board of California, *Launching a Career as a Court Reporter*, 4, www.courtreportersboard.ca.gov/formspubs /student_career.pdf (as of Dec. 20, 2016).

⁶ Business and Professions Code section 8020.

⁷ Cost estimates are approximate and based on an average of tuition fees from three NCRA-approved court reporting schools.

⁸ Launching a Career as a Court Reporter, 4.

⁹ Under Government Code section 70313, courts are not authorized to supply to court reporters stenographic machines or other equipment or supplies for use in the preparation of transcripts.

¹⁰ National Court Reporters Association, *A Cost Comparison of Stenographic Reporting and Electronic Recording in the Courtroom* (May 2014), http://ncra.files.cms-plus.com/GovernmentRelations/Final%20-%20Cost%20Comparison%20White%20Paper%205-20-14.pdf (as of Dec. 21, 2016).

¹¹ Ibid.

APPENDIX 5.1D: COST ESTIMATES TO PROVIDE A RECORD OF NONMANDATED COURT PROCEEDINGS

Cost Estimate 1

To estimate the cost to use court-employed court reporters (Estimate 1), the following information was obtained from four courts of varying sizes:¹

- Number of courtrooms dedicated to civil cases (family, probate, and civil);2 and
- Average annual compensation, including salary and benefits, for court-employed court reporters.³

For each court, the first-year cost to provide one court-employed court reporter in each civil courtroom⁴ was calculated by multiplying the number of civil courtrooms by the average annual compensation for court reporters. This formula was followed for each subsequent year. Average annual compensation assumed a 2 percent annual increase.⁵ To account for the potential offset in cost to the courts by collecting fees from civil litigants, the estimated cost for each year was reduced by 25 percent.⁶ For a five-year period, Figure 1 provides the estimated cost for each court.

Figure 1: Estimate 1—Cost to provide court reporters in each civil courtroom over a five-year period for four courts

| Estimated Cost | Court 1 (Small, 3 Civil Courtrooms) | Court 2 (Small to Medium, 3 Civil Courtrooms) | Court 3 (Medium, 8 Civil Courtrooms) | Court 4 (Large, 35 Civil Courtrooms) |
|----------------------------|---|---|--|--|
| 1st Year | \$211,378 | \$219,118 | \$665,550 | \$3,192,861 |
| 2nd Year | \$215,606 | \$223,501 | \$678,861 | \$3,256,718 |
| 3rd Year | \$219,918 | \$227,971 | \$692,438 | \$3,321,852 |
| 4th Year | \$224,316 | \$232,530 | \$706,287 | \$3,388,289 |
| 5th Year | \$228,802 | \$237,181 | \$720,413 | \$3,456,055 |
| Total Cost Over Five Years | \$1,100,020 | \$1,140,300 | \$3,456,055 | \$16,615,775 |





¹ Classification of court size is in accordance with 2014 authorized and funded judicial positions: small (2–3 judges); small to medium (4–15 judges); medium (21–49 judges); and large (65 or more judges).

² The number of civil courtrooms is based on the responses provided by the courts to a December 2016 survey. This number represents a snapshot in time that may not reflect current or future practices.

³ Based on Schedule 7A data submitted by trial courts for fiscal year 2014–2015.

⁴ Assumes one court-employed court reporter per civil courtroom. Depending on how the court manages courtrooms, this estimate may be high if some courtrooms are not in use on certain days or time periods, or it may be low and a small surplus may be needed to provide coverage for sick and vacation leave.

⁵ This was done to account for step increases and cost-of-living adjustments. Although negotiated locally, a 2% increase each year was chosen as an estimate, considering that many court-employed court reporters are already at their maximum step.

⁶ This percentage is based on the court reporter fees collected in fiscal year 2014–2015 distributed back to the courts, \$17.2 million, in comparison to the estimated expense to provide court reporter services in civil proceedings, \$67 million, or 25%.

Cost Estimate 2

For the same four courts above, the following information was used to estimate the potential cost to use digital recording, with current courtroom staff operating the recording system and a court-employed information systems technician for effective operation and troubleshooting of the digital recording system:

- Number of courtrooms dedicated to civil cases (family, probate, and civil);⁷
- A cost of \$45,000 per courtroom to install a top-of-the-line digital recording system (includes evidence presentation, video conferencing, private chambers recording, courtroom recording, voice-activated multi-channel microphones, high-definition cameras that automatically focus on the speaker, and white noise over the gallery when attorneys approach the bench);⁸
- Average annual compensation, including salary and benefits, for a court-employed information systems technician; and
- An average yearly maintenance cost for each electronic recording system of \$3,625.

For each court, the first-year cost to install a digital recording system in each civil courtroom was calculated by multiplying the number of civil courtrooms by \$45,000 (the cost to purchase and install a top-of-the-line digital recording system). The first-year labor cost for the information systems technician was calculated by multiplying the number of full-time equivalent (FTE) positions needed by the court¹¹ times the average annual compensation for information systems technicians. For each court, the total first-year cost was the sum of the initial installation cost and the first-year labor cost for the technician. The cost to the court for each subsequent year, up to the fifth year, was calculated by multiplying the number of civil courtrooms by \$3,625 (the average yearly maintenance cost for each system), and adding in the estimated annual compensation for the FTE technicians required. For each subsequent year, compensation assumed a 2 percent increase annually.¹² For a five-year period, Figure 2 provides the estimated cost for each court.¹³ This estimate does not include potential revenue from the sale of recordings to offset some of the cost of providing these services¹⁴ and does not reflect potential savings to the parties.¹⁵





⁷ Based on responses provided by the courts to a December 2016 survey. The number of civil courtrooms represents a snapshot in time that may not reflect current or future practices.

⁸ Andrew Green, president and CEO of Justice AV Solutions, personal interview by subcommittee of the Fiscal/Court Administration Working Group (Jan. 13, 2016).

⁹ Salary data based on Schedule 7A data submitted by three of the four trial courts for information systems technicians (UMC 4004a) for fiscal year 2014–2015. Benefit costs were estimated at 30% of salary costs.

¹⁰ Andrew Green, personal interview (Jan. 13, 2016).

¹¹ For the three smaller courts with 3 to 8 courtrooms, the estimated FTE need was 0.5. For the larger court with 35 courtrooms, the estimated FTE need was 1.0.

¹² This was done to account for step increases and cost-of-living adjustments. Although negotiated locally, a 2% increase each year was chosen as an estimate.

¹⁵ This estimate does not include training costs, the cost to increase server capacity and data backup, or IT staff, as these costs will vary by court depending on the resources currently available to the court.

¹⁴ For estimate purposes, these were considered pass-through expenses not to exceed the expense for staff time and media to provide the record.

¹⁵ With digital recording, it is assumed the parties will no longer pay the required fees for court reporter services in civil proceedings. If a fee is charged for digital recording, it would be less than the parties currently pay for court reporting services.

Figure 2: Estimate 2—Cost to provide digital recording over a five-year period for four courts

| Estimated Cost | Court 1 (Small, 3 Civil Courtrooms) | Court 2 (Small to Medium, 3 Civil Courtrooms) | Court 3 (Medium, 8 Civil Courtrooms) | Court 4 (Large, 35 Civil Courtrooms) | |
|----------------------------|---|---|--|--|--|
| 1st Year | \$172,194 | \$172,194 | \$397,194 | \$1,649,389 | |
| 2nd–5th Years | \$199,866 | \$199,866 | \$272,366 | \$820,233 | |
| Total Cost Over Five Years | \$372,061 | \$372,061 | \$669,561 | \$2,469,621 | |

Cost Estimate 3

For the same four courts above, the following information was used as a basis to provide an estimate of the potential cost to use digital recording with electronic monitors, who operate the electronic recording systems for up to four courtrooms from a single, central location:

- The total cost over five years to the courts for Estimate 2 (last row of Figure 2), with digital recording systems in each civil courtroom, and an information systems technician; and
- The average annual compensation, including salary and benefits, for court-employed electronic monitors. ¹⁶

For each court, the first-year labor cost to the court to provide court-employed electronic monitors (on a one-to-four basis) was calculated by multiplying the number of FTE positions needed by the court (number of courtrooms divided by 4) times the average annual compensation for an electronic monitor. This formula was followed for each subsequent year. Average annual compensation included a 2 percent increase over the previous year. For a five-year period, Figure 3 provides the estimated cost for each court. This estimate does not include potential revenue from the sale of recordings to offset some of the cost of providing these services and does not reflect potential savings to the parties. For a five-year period, Figure 3 provides the estimated cost for each court.





Additionally, parties would no longer be required to purchase transcripts on appeal, thus saving money.

¹⁶ Based on Schedule 7A data submitted by trial courts for electronic monitors for fiscal years 2010–2011 through 2014–2015.

 $^{^{17}}$ This was done to account for step increases and cost-of-living adjustments. Although negotiated locally, a 2% increase each year was chosen as an estimate.

¹⁸ For estimate purposes, these were considered pass-through expenses not to exceed the expense for staff time and media to provide the record.

¹⁹ With digital recording it is assumed parties will no longer pay the required fees for court reporter services in civil proceedings. If a fee is charged for digital recording, it would be less than parties currently paid for court reporting services. Additionally, parties would no longer be required to purchase transcripts on appeal, thus saving money.

Figure 3: Estimate 3—Cost of digital recording with electronic monitors (EM) over a five-year period for four courts

| Estimated Cost | Court 1 (Small, 3 Civil Courtrooms) | Court 2 (Small to Medium, 3 Civil Courtrooms) | Court 3 (Medium, 8 Civil Courtrooms) | Court 4 (Large, 35 Civil Courtrooms) |
|----------------------------|---|---|--|--|
| Five-Year Cost: Estimate 2 | \$372,061 | \$372,061 | \$669,561 | \$2,469,621 |
| Five-Year Cost: EM Labor | \$395,938 | \$395,938 | \$1,583,752 | \$3,563,441 |
| Total Over Five Years | \$767,999 | \$767,999 | \$2,253,312 | \$6,033,062 |

Summary of Cost Estimates

Figure 4 provides a summary of the estimated cost for four courts over a five-year period to provide a record of proceedings in the nonmandated case types for each of the three estimates.

Figure 4: Cost to provide a record of court proceedings over a five-year period: three cost estimates

| Court | Size of Court | Number of Civil Courtrooms | Estimate 1 Court Reporters | Estimate 2 Digital Record (current staff) | Estimate 3 Digital Record (additional staff) |
|---------|-----------------|-------------------------------|----------------------------------|---|---|
| Court 1 | Small | 3 | \$1,100,020 | \$372,061 | \$767,999 |
| Court 2 | Small to Medium | 3 | \$1,140,300 | \$372,061 | \$767,999 |
| Court 3 | Medium | 8 | \$3,463,550 | \$669,561 | \$2,253,312 |
| Court 4 | Large | 35 | \$16,615,775 | \$2,469,621 | \$6,033,062 |

Of the three estimates, Estimate 2 (digital recording with current courtroom staff operating the recording systems) is considerably less expensive, with savings ranging from \$727,959 (Court 2) to \$14 million (Court 4). Generally, the cost of Estimate 2 is just 15 to 34 percent of the cost of using court reporters (Estimate 1). In comparison to using court reporters, Estimate 3 (digital recording with electronic monitors) is less expensive for all four courts. Depending on court size, savings range from \$332,021 (Court 1) to \$10.6 million (Court 4). Generally, the cost of Estimate 3 is 36 to 70 percent of the cost of using court reporters (Estimate 1).

NOTES

CHAPTER 5: TECHNOLOGY RECOMMENDATIONS

RECOMMENDATION 5.1: EXPAND THE USE OF TECHNOLOGY IN THE COURTS TO IMPROVE **EFFICIENCY AND ENHANCE ACCESS**

- Tani G. Cantil-Sakauye, Chief Justice of California, Restoring Access to Justice: Access 3D (Aug. 17, 2013), video, www.courts.ca.gov/25417.htm (as of Jan. 5, 2017).
- Judicial Council of California, Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan (Oct. 2, 2014), www.courts .ca.gov/documents/jc-20141028-item4.pdf (as of Feb. 3,
- Judicial Council of California, Tactical Plan for Technology (2017–2018) (Mar. 2017), https://jcc.legistar.com /View.ashx?M = F&ID = 5005031&GUID = D7C3E004-2F31-4762-94D6-3A3406601FCC (as of Mar. 20, 2017).
- Tactical Plan for Technology (2017–2018), Appendix B: Tactical Plan for Technology Progress Report.
- Self-Represented Litigation Network, Serving Self-Represented Litigants Remotely: A Resource Guide (July 1, 2016) (prepared by John Greacen, Greacen Associates, LLC), 10, 31, www.srln.org/system/files /attachments/Remote%20Guide%20Final%208 -16-16_0.pdf (as of Feb. 9, 2017).
- This issue was compounded by the capping of fund balances that trial courts can carry forward from one year to the next at 1%.
- 7. The Budget Act of 2016 provided \$25 million in one-time competitive grant funding.
- Government Code section 68150(a); California Rules of Court, rule 10.850 et seq.; Judicial Council of California, Trial Court Records Manual (rev. Jan. 1, 2017).
- Judicial Council of California, Judicial Branch Administration: Update to Court Technology Governance and Strategic Plan (Oct. 2, 2014), www.courts.ca.gov /documents/jc-20141028-item4.pdf.

- 10. Code of Civil Procedure section 1010.6; California Rules of Court, rule 2.253. Note that when e-filing is mandated, however, exceptions must be provided for self-represented litigants and any others who would suffer an undue hardship or prejudice by being required to use technology. California Rules of Court, rule 2.253(b)(2) & (4).
- 11. Code of Civil Procedure section 367.5; California Rules of Court, rule 3.670.
- 12. Penal Code section 977(c).
- 13. Government Code section 69957(a).
- 14. Twice a year, the Council is required to survey all 58 superior courts and report to the Legislature regarding all new purchases and leases of electronic recording equipment that will be used to record proceedings (Government Code section 69958). Courts may use electronic recording for the internal personnel purpose of monitoring the performance of subordinate judicial officers, hearing officers, and temporary judges, as long as proper notice is provided to the litigants and the subordinate judicial officer, hearing officer, or temporary judge that the proceeding may be recorded for that purpose (Government Code section 69957(b)).
- 15. Government Code section 69957(a).
- Judicial Council of California, Strategic Plan for Language Access in the California Courts (Jan. 6, 2015), 12.
- 17. Judicial Council of California, "Video Remote Interpreting (VRI) Project for American Sign Language Interpreting—Stanislaus Superior Court," California Courts website, www.courts.ca.gov/27697.htm (as of Feb. 6, 2017). See program description and court's presentation.
- 18. Ibid.







- 19. Similar to ASL, languages other than Spanish have scarce interpreter resources, only occasional need, and the likelihood of interpreter travel expenses.
- 20. "Video Remote Interpreting (VRI) Project for American Sign Language Interpreting—Stanislaus Superior Court," California Courts website. The total annual projected savings for the single large court were calculated as follows: The projected savings for ASL interpreting was \$41,275. The projected savings for the top four languages other than Spanish included \$36,449 in travel expenses, \$30,485 in savings from allowing interpreters to be cross-assigned among different courthouses, and \$17,127 from cross-assigning interpreters in Spanish to courthouses with no assigned interpreters. Based on costs of \$300 to \$600 per service day, these savings would likely allow the court to provide an additional 200 to 400 interpreter service days at then-existing funding levels.
- 21. The pilot will cost the court nothing initially because the same vendor will provide and support the equipment for up to six months.
- Superior Courts of Sacramento, Merced, and Ventura Counties.
- 23. Judicial Council Technology Committee, materials for the February 8, 2016, meeting, Item 3: Review California's Language Access Plan: Video Remote Interpreting Pilot Project, 8, www.courts.ca.gov/documents /jctc-20160208-materials.pdf (as of Feb. 6, 2017).
- 24. For more on intelligent chat, see Recommendation 4 in this chapter.
- 25. Document assembly is available in the form of wizards, similar to TurboTax, which walk users through questions and help them identify correct forms and processes. Wizards help self-represented litigants complete forms correctly and eliminate issues of incomplete and difficult-to-read forms. The program can be configured to allow users to complete forms over a period of time. Some courts are already using or developing technology wizards for certain forms, via the HotDocs programs available from the Judicial Council or with the Odyssey Guide & File program. Wizards should cover more forms and be used more extensively.
- 26. Tactical Plan for Technology (2017-2018), 28.
- 27. Ibid.
- 28. For more information regarding this initiative, see Tactical Plan for Technology (2017–2018), 28–29, and Judicial Council of California, The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360° (Center for Families, Children & the Courts, July 10, 2015), www.courts.ca.gov/documents/ctac-20150710-report -addendum.pdf (as of Feb. 7, 2017).
- Tactical Plan for Technology (2017–2018), 16; Tactical Plan for Technology (2014–2016), 37–38. Initial data exchanges and interfaces focused on those most

- common, including those between trial courts and the Department of Child Support Services, the Department of Motor Vehicles, the Department of Justice, the California Highway Patrol, and the Department of Corrections and Rehabilitation.
- 30. Ibid., 43-44.
- 31. Based on a January 23, 2017, trial court CMS status matrix maintained by the Court Information Technology Management Forum, a group of California court IT leaders. The data is informally and voluntarily updated and maintained by the chief information officer/technology manager of each court. The status of trial courts across the state in the modernization of case management systems follows:
 - 3% have already updated systems for *all* case types.
 - 9% are in the process of updating systems for all case types.
 - 26% have either already updated systems for *some* cases types and are in the process for the remainder, or are in the process of updating systems for *some* case types with plans to update the remainder.
 - 32% have outdated case management systems; 3% are in the preliminary stages of updating systems and 29% currently have no plans to update systems.
- 32. Superior Court of Sacramento County, "Award of Request for Proposal for Case Management Systems (CMS)," News Release (Feb. 14, 2013), www.saccourt .ca.gov/general/docs/pr-cms-rfp.pdf (as of Nov. 3, 2016).

This master service agreement (MSA) was the result of a joint effort initiated by the Court Information Technology Management Forum with the superior courts to leverage court resources to obtain case management systems. The Superior Courts of Sacramento and Santa Clara Counties sponsored the request for proposals (RFP) with the intent to select up to five proposers to enter into a master software license and services agreement. The Superior Court of Sacramento County is the contract signatory, but the system is available to any superior court in California. The agreement includes implementation and deployment services, including user training.

Any court seeking to replace its legacy system can request offers from one or more vendors under the MSA. Any contract to provide software and implementation services is executed between that court and the selected vendor. Courts are not required to award any contracts based on the MSA and may conduct their own solicitations if they choose.

- 33. The four major CMS vendors/products that met the minimum qualifications established by the CMS RFP are Tyler Odyssey, JSI FullCourt Enterprise, Thomson Reuters C-Track, and Journal Technologies eCourt.
- 34. Edmund G. Brown, Jr., Governor, State of California, *Governor's Budget Summary—2017–18* (Jan. 10, 2017), 114, www.ebudget.ca.gov/FullBudgetSummary.pdf.





- 35. Judicial Council of California, "Reserve a Court Date (Traffic)—Orange Superior Court," California Courts website, *www.courts.ca.gov/27767.htm* (as of Feb. 8, 2017). Eleven additional courts provide similar programs.
 - The Superior Court of Orange County implemented the Traffic Reserve a Court Date project in 2010. It allows customers to make a hearing reservation online for any justice center in Orange County, cancel appearances online, and provide an e-mail address to receive confirmation of the reservation (as well as the Advisement of Rights). Benefits to the public are noted in the text of the report. Benefits to the court include:
 - Elimination of a morning rush, resulting in a staff resource savings of at least 45 hours per day across the court in the clerk's office alone.
 - Improved quality of work and case preparation because calendars can be prepared three days in advance.
 - More efficient use of court resources, with courtroom clerks able to review the calendar in advance and prepare the record for judicial officers and group case types (e.g., open cases, collection cases, interpreter cases), resulting in a more efficient calendar call and better interpreter use.
- 36. The Superior Court of Los Angeles County implemented the Court Appearance Reminder System (CARS) in March 2009, using automated phone technology to send messages to defendants in traffic court. It reminds them of scheduled court dates, documents to bring to the hearing, and the option of paying the citation in lieu of appearing in court. Since the implementation of CARS, the court has experienced:
 - A 22% decrease in failure-to-appear rates, resulting in annual cost savings of over \$30,000;
 - Fewer delinquency notification mailings;
 - Increased revenue from fine payments as more defendants appear on their originally scheduled court dates. There was an approximate 13% increase in revenue collection at the Metropolitan Courthouse following the implementation of CARS.

Judicial Council of California, "Court Appearance Reminder System—Los Angeles Superior Court," California Courts website, www.courts.ca.gov/27771.htm (as of Feb. 8, 2017).

37. The Superior Court of Santa Clara County uses automatic reminders in family law. A robocall automated system notifies self-represented litigants on the Case Status Conference Calendar one week before their scheduled hearing date. The messages can be provided in English or Spanish. Since implementation, the court has realized a 73% increase in the number of SRLs appearing for hearings. Judicial Council of California, "Robo Call—Santa Clara Superior Court,"

- California Courts website, www.courts.ca.gov/27659. htm (as of Feb. 8, 2017).
- 38. The Orange Court has a program similar to Santa Clara's.
- Judicial Council of California, *Trial Court E-Filing Survey and Findings Report* (Apr. 2014), 24. Updated current branchwide information was not readily available.
- 40. San Diego Court's document management system for civil and probate case types cost \$982,000 to implement and \$1.5 million in one-time costs to image older records for all case types to reduce storage costs.
- 41. In addition to fully imaging all new cases after the date of implementation, the Superior Court of San Diego County has also archived records from select prior years and continues to expand the inventory of archived records. The court reports the following benefits:
 - Elimination of virtually all work traditionally done by records clerks such as filing loose documents; pulling and returning case files to the file banks; creating new volumes; consolidating cases; searching for lost case files; and filling copy requests, which are reduced because files are available online. So far, the court estimates the time savings equal to three to four clerks, who have been reassigned to other areas.
 - Reduced staff hours assigned to the records viewing counter by hours each day because viewing and printing can be done online. Total staff hours spent on this task fell by 50%.
 - Revenue from the sale of online records. The court is currently on track to realize \$820,000 per year in online document revenue for active cases and \$35,000 per year in archived records. The revenue should continue to grow as more of the older records are converted to digital format.
 - Cost savings from eliminating the need for physical file storage. For example, the court recently imaged the 2007–2008 civil files that would have previously gone into offsite storage. The court estimates that it saved \$15,000 in storage costs. With annual cost for offsite storage topping \$200,000, converting paper records to a digital format would yield substantial savings.
- 42. For the Superior Court of Napa County, implementation of the document management system cost \$775,000, with ongoing yearly expenditures of \$70,000. The court reports the following annual savings:
 - \$30,000 from the elimination of file storage costs.
 - \$560,000 in staff expenses attributed to streamlined and less labor-intensive procedures.
 - \$60,000 from the elimination of file folders.
- 43. Tactical Plan for Technology (2017-2018), 22.







- 44. Judicial Council of California, Judicial Branch Administration: Trial Court Electronic Filing—Approval of Electronic Filing Standards and of Policies on Electronic Filing Managers (June 3, 2016), www.courts.ca.gov/documents/jctc-20160613-materials.pdf (as of Mar. 20, 2017).
- 45. See Judicial Council of California, *Report on the Superior Court of Orange County's Mandatory E-Filing Pilot Project* (Sept. 30, 2014), *www.courts.ca.gov/documents /lr-SC-of-Orange-e-file-pilot-proj.pdf* (as of Feb. 9, 2017).
- 46. Assembly Bill 2073 (Stats. 2012, ch. 320, § 1); California Rules of Court, rule 2.253(b).
- 47. Report on the Superior Court of Orange County's Mandatory E-Filing Project. Pilot included all limited, unlimited, and complex civil actions.
- 48. Ibid.
- 49. Ibid., attachment, Superior Court of Orange County, Preliminary Evaluation of the E-Filing Pilot Project in the Superior Court in and for the County of Orange (July 12, 2014), 16. Analysis considered typical time required to accept, review, and input data; scan paper documents; and accept the accompanying fees. It compared overall staffing levels for civil case processing before e-filing and staffing levels after implementation.
- 50. Depending on the previous filing method, the potential for savings to litigants includes travel expenses, parking, postage, and wait time, as well as the time required to print, copy, and assemble documents. Costs from e-filing include the EFSP's fee and the time spent inputting data.
- 51. Self-represented parties were permitted, but not required, to e-file. There were limitations in the data collection regarding the effect on self-represented litigants, but any potential issues were likely addressed by subsequent amendments to the rules exempting all self-represented litigants from mandatory e-filing.
- 52. Approval of Electronic Filing Standards and of Policies on Electronic Filing Managers. The courts were surveyed in March 2016. Results represent a snapshot in time, which may not reflect current or future practices.
- 53. EFSPs provide a user interface for filing for parties and attorneys. When the documents and case information are ready for filing, the EFSP transmits them in the appropriate electronic format to the court's e-filing managers (EFMs). The EFM provides temporary storage for the electronic documents for clerk review before the documents are integrated with the court's case management system and permanently retained. Currently, most courts that provide e-filing have multiple EFSPs and an EFM through their case management vendor.
- 54. Tactical Plan for Technology (2017–2018), 32.

- 55. Ibid., 30–31 (E-filing Service Provider (EFSP) Selection/ Certification initiative).
- 56. Tyler, Thomson Reuters, Justice Systems, and Journal Technologies.
- 57. Tactical Plan for Technology (2017–2018), 31–32 (E-filing Deployment initiative).
- 58. Code of Civil Procedure section 367.5; California Rules of Court, rules 3.670 and 5.9.
- 59. This program originally began as a pilot program to address the closure of a courthouse in the northern part of the county, but was later made permanent. Judicial Council of California, *Trial Courts: Permanent Authorization for Remote Video Proceedings and Implementation of Rule 4.105 in Traffic Infraction Cases* (Aug. 11, 2015); and see California Rules of Court, rule 4.220.
- 60. The Superior Court of Fresno County provides these services in partnership with the Marjaree Mason Center and the Comprehensive Youth Services. It is funded by a grant from the U.S. Department of Justice, Office on Violence Against Women, www.fresno.courts.ca.gov/_pdfs/news_releases/Remote%20Services%20Media%20Release%2010-3-16.pdf (as of Mar. 17, 2017).
- 61. Superior Court of Merced County, "Video Appearance," www.mercedcourt.org/video_appearance.shtml (as of Mar. 17, 2017).
- 62. Superior Court of Orange County, "Family Law Courtroom Schedule & Requirements," www.occourts.org /directory/family/fl_resources/courtroom-schedule.html (as of Mar. 17, 2017).
- 63. Judicial Council of California, *Video Remote Technology in California Courts: Survey and Findings* (Dec. 2014). Survey results showed:
 - 81% of the judicial officers expressed satisfaction with the use of video remote technology;
 46% were very satisfied; less than 3% reported dissatisfaction.
 - 40% of respondents believed the use of video technology was equivalent to having the entire proceeding and all parties and witnesses physically in the courtroom; 52% believed something was lost in the process but the loss did not affect the ultimate result.
 - Judicial officers generally seem to accept the use of video conferencing so long as proper protections are in place and exceptions to required appearances are allowed.
- 64. Although this recommendation is to expand the use of video conferencing for appearances in court proceedings, use of this technology also benefits other court users and court business interactions, such as self-help services for SRLs. At least one court's self-help center is already using this technology to meet remotely with SRLs using tablets at the county law library.





- 65. This figure assumes a large monitor, articulating wall mount for monitor, video conference unit with a camera and dual-array microphones, and a shelf for the receiving device.
- 66. Video conferencing costs in the Superior Court of Orange County are \$86 for use of vendor connection plus a \$10 court fee, www.occourts.org/general-public /notices/general/2015-05-26_Notice%20to%20Attorneys -CourtCall.pdf (as of Mar. 17, 2017).
- 67. National Association for Presiding Judges and Court Executive Officers, Study of State Trial Courts Use of Remote Technology: Final Report (Apr. 2016), http://napco4courtleaders.org/wp-content/uploads /2016/08/Remote-Technology-Report-April-2016.pdf (as of Mar. 17, 2017). The National Association for Presiding Judges and Court Executive Officers, with the assistance of the National Center for State Courts, received a grant from the State Justice Institute to compile information on remote technology used by rural and urban state courts.
- 68. Minnesota Judicial Branch, Hennepin County District Court, "Civil Court Video Appearances Now Available," www.mncourts.gov/Find-Courts/Hennepin.aspx (as of Mar. 17, 2017).
- 69. Study of State Trial Courts Use of Remote Technology.
- 70. Ibid
- 71. U.S. District Court, Northern District of Illinois, "Mobile Video," www.ilnd.uscourts.gov/Pages .aspx?qns8gI/Ba/RLBfwYbV0UIn8Boiyk8VHG (as of Mar. 17, 2017).
- 72. Training materials that provide explanations relevant to the user of court procedures in video conferencing settings will be needed to prepare the user to fully participate in the process.
- 73. Numbers may be limited due to the technology used (capacity of Internet connection, screen size, etc.).
- 74. Code of Civil Procedure section 637.5; California Rules of Court, rules 3.670 and 5.9.
- 75. Because of the difference in court case management systems and the varying case data priorities, the total number of arraignments performed is not available. As a point of reference, between July 1, 2014, and June 30, 2015, 1,136,818 felonies and misdemeanors were filed in California courts.
- 76. These totals do not distinguish custody status.
- 77. Based on a reported average of 6,110 in-custody arraignments each month in 2016. This number is derived from the number of arraignments scheduled.
- 78. Penal Code section 977(c) was enacted to: (1) reduce the cost of transporting defendants to court; (2) eliminate security problems; (3) minimize pre-arraignment detention time and costs; and (4) eliminate defendant's discomfort from being shackled and spending long periods in court holding cells.

- 79. Judicial Council of California, *Report to the Legislature* on Video Arraignment Projects (Dec. 1991), p. I of Appendix A.
- 80. Calipatria State Prison; Central California Women's Facility; California State Prison, Corcoran; Pelican Bay State Prison; and California Institution for Men.
- 81. Most counties have reciprocal agreements in the event of emergencies. These agreements allow the county in the state of emergency to transfer inmates to the other county's jail.
- 82. Superior Court of Merced County, "Video Appearance," www.mercedcourt.org/video_appearance
 .shtml (as of Mar. 18, 2017); Superior Court of San
 Bernardino County, Schedule of Assignments (Feb. 14, 2017), www.sb-court.org
 /Portals/0/Documents/PDF/General%20Information
 /schedAssign.pdf (as of Mar. 18, 2017).
- 83. Senate Committee on Public Safety, bill analysis on Senate Bill 1126 (1999–2000 Reg. Sess.) for hearing on April 6, 1999, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml (as of Mar. 19, 2017).
- 84. General costs for video arraignment equipment for courts is approximately \$9,300 per courtroom. This estimate includes a large monitor, an articulating wall mount, and a video conference unit that includes a camera, dual-array microphones, and a shelf for the receiving device. The total cost for hardware will depend on the equipment already available.
- 85. General costs for video arraignment for county detention facilities is approximately \$13,400 per system. This estimate includes the monitor, video conference unit, camera, microphone, and one year of support.
- 86. Louisiana Department of Public Safety and Corrections, Video Conference Project (May 2016), PowerPoint presentation, www.ncsc.org/~/media/files/pdf /services%20and%20experts/areas%20of%20expertise /language%20access/resources%20for%20program %20managers/2016%20clac%20conference%20 presentation%20materials/video%20conference%20 project%202016.ashx (as of Mar. 19, 2017).
- 87. Joe Bodiford, "3.130, First Appearance," Florida Criminal Procedure (blog) https://floridacriminalprocedure .com/3-130-first-appearance/ (as of Mar. 19, 2017); Ninth Judicial Circuit Court of Florida, "Initial Appearances 'Live,' " www.ninthcircuit.org/services/initial-appearances (as of Mar. 19, 2017).
- 88. Corrections Center of Northwest Ohio, "Video Court Appearances/Video Arraignment," www.ccnoregionaljail.org/Video%20Arraignment.htm (as of Mar. 19, 2017).
- 89. Maine Judicial Branch, 2005 Annual Report, www.courts.maine.gov/reports_pubs/reports /annual_reports/ar2005.pdf (as of Mar. 19, 2017).
- 90. Alaska Judicial Council, *Fairbanks Video Arraignment Assessment* (May 1999), *www.ajc.state.ak.us/reports /fbkvid.pdf* (as of Mar. 19, 2017).





- 91. Some programs use sophisticated natural language processing systems, but many simpler systems scan for keywords within the input and then pull from a database a reply with the most matching keywords or the most similar wording pattern. Chatbots, short for "chat robots," can also provide information audibly and interact in conversations over the phone.
- 92. Self-Represented Litigation Network, "Gina—LA's Online Traffic Avatar Radically Changes Customer Experience," News (Oct. 16, 2016), www.srln.org /node/1186/gina-las-online-traffic-avatar-radically -changes-customer-experience-news-2016.
- 93. Ibid.
- 94. Ibid.
- 95. Superior Court of Orange County, "Self-Help, Traffic: General Information," www.occourts.org/self-help/traffic/ (as of Mar. 19, 2017).
- 96. California Courts Online Self-Help Center, *www.courts* .*ca.gov/selfhelp.htm?genpubtab* (as of Mar. 19, 2017).
- 97. Programming for the Gina program to address only traffic court issues, but including connections to the court's case management program, took 240 hours.
- 98. This figure is based on the cost of a Senior Applications Development Analyst at \$159,074, including benefits, per year.
- 99. Emerging languages are those that are spoken by newly arrived immigrants who have not yet established themselves in significant numbers or for sufficient time to be recognized by service providers, census trackers, or other data collectors. They are varied and ever changing, as migration patterns shift. Judicial Council of California, *Strategic Plan for Language Access in the California Courts* (Jan. 6, 2015), 10, fn. 2, www.courts.ca.gov/documents /jc-20150122-itemK.pdf (as of Apr. 4, 2017).
- 100. Strategic Plan for Language Access in the California Courts, 19.
- 101. The Council has executed a master agreement and subsequent amendments for the benefit, in part, of the 58 superior courts of California (State of California Master Agreement No. MA 201301, Statewide Limited Telephonic Interpreter Services Leveraged Purchasing Agreement with Language Select, LLC [effective July 1, 2013 through June 30, 2017]).
- 102. These services are not intended to replace or supplement services provided by interpreters in court proceedings. The master agreement includes a provision that the services shall be consistent with the law, including, but not limited to, the Trial Court Interpreter Employment and Labor Relations Act (Government Code sections 71800–71829) and any applicable memoranda of understanding between the court interpreter collective bargaining regions and recognized employee organizations.
- 103. Telephonic interpretation services are provided in, but

- not limited to, Arabic, Armenian, Cantonese, Farsi, Hmong, Japanese, Khmer, Korean, Laotian, Mandarin, Mien, Portuguese, Punjabi, Russian, Spanish, Tagalog, and Vietnamese.
- 104. Similar services may be provided by other vendors to other courts under separate agreements.
- 105. Strategic Plan for Language Access in the California Courts, 54.
- 106. The Futures Commission recommends that the new technology innovations advisory committee have some joint members with ITAC and that other members be ongoing appointments, with longer terms than the three-year appointments of members of traditional advisory committees, to allow for development of expertise in the area.
- 107. Current conferences in this area include the National Center for State Courts (NCSC) annual Court Technology Conference and e-Courts conference. NCSC has also recently joined with others to sponsor CourtHack, legal technology "hackathons," at which young and technologically advanced individuals gather with the brightest legal minds, technologists, entrepreneurs, and others for a 30-hour hackathon to work on innovations that could benefit the administration of justice. Such conferences bring in technical talent and innovators to generate new ideas that can be shared among the courts.
- 108. Tactical Plan for Technology (2017-2018), 7.
- 109. The staffing assumptions for the estimate include salaries and benefits for two Business Systems Analysts and a Senior Business Systems Analyst.
- 110. This estimate assumes one in-person meeting in San Francisco and three to six conference calls each year, along with travel by several members to at least one technology conference or vendor meeting within the state.
- 111. California Rules of Court, rule 10.81(a).
- 112. California Rules of Court, rule 10.30(g).
- 113. Filled, full-time equivalent (FTE) positions were obtained from the fiscal year 2014–2015 Schedule
 7A for each court and include the court reporter (n=1,306), senior court reporter (n=10), and supervising court reporter (n=18) classifications.
- 114. Government Code section 69957(a).
- 115. Twice a year, the Council is required to survey all 58 superior courts and report to the Legislature regarding all new purchases and leases of electronic recording equipment that will be used to record proceedings (Government Code section 69958). Courts may use electronic recording for the internal purposes of monitoring subordinate judicial officers, hearing officers, and temporary judges, as long as proper notice is provided to the litigants (Government Code section 69957(b)). Courts may not use the equipment to make unofficial records of proceedings, even for purposes







- of judicial note-taking (Government Code section 69957(a)).
- 116. See, for example, Government Code section 69952(a) (record to be made at public expense in certain matters); Code of Civil Procedure section 269(a) and (c); Penal Code sections 190.9 and 938. See also Penal Code sections 704, 817, 869, 1017, 1526, 1042, and 1062); Code of Civil Procedure section 274a; Welfare and Institutions Code sections 347 and 677.
- 117. Code of Civil Procedure section 269(a); Government Code section 69957(a); see *In re Armstrong* (1981) 126 Cal.App.3d 565.
- 118. Statutes mandate a court reporter in a very few family law proceedings. See, for example, Family Code sections 7895 (termination of parental rights) and 9005(d) (stepparent adoption in-chamber proceedings).
- 119. In some smaller courts, statutes mandate that the court provide a court reporter in one or more of these case types. See Government Code sections 70045.75 (Nevada County), 70045.77 (El Dorado County), 70045.8 (Butte County), 70045.9 (Shasta County), 70045.10 (Tehama County), 70046.4 (Lake County), 70056.7 (Monterey County), and 70063 (Mendocino County). In 2013, the Council sought to repeal these provisions in 14 courts, but was unsuccessful (SB 1313; Nielsen, 2013–2014 Reg. Sess.).
- 120. Government Code section 68086.
- 121. Government Code sections 269 and 69952.
- 122. The California Rules of Court relating to reporter's transcripts and official electronic recordings in misdemeanor appeals include provisions intended to recognize an indigent defendant's right to a record at state expense. See California Rules of Court, rules 8.866(a)(2)(E)(iii) (reporter transcript) and 8.868(e)(2)(D)(ii) (electronic transcript). Once an indigent appellant has identified the issues on appeal, the burden shifts to the state to show that an alternative form of the record, such as a settled statement or portion of the transcript, will be sufficient (Mayer v. Chicago (1971) 404 U.S. 189, 195 and March v. Municipal Court (1972) 7 Cal.3d 422, 428). In misdemeanor appeals by nonindigent defendants, California Rules of Court generally allow the appellant to elect what form of the record of oral proceedings to use on appeal (California Rules of Court, rule 8.864(a)).
- 123. Mayer v. Chicago (1971) 404 U.S. 189, 193–194 and March v. Municipal Court (1972) 7 Cal.3d 422, 427–442.
- 124. California Rules of Court, rule 8.134 (agreed statement) and 8.137 (settled statement).
- 125. Government Code section 69950. A folio is defined in Government Code section 27360.5 as 100 words. For purposes of determining the cost of transcripts, some courts have negotiated various "folio rates" with court reporters over the years.
- 126. Assembly Bill 2629, which the Governor vetoed on

- September 24, 2016, would have increased the fee charged for originals and copies of transcripts under Government Code sections 69950, 69950.5, and 69951. Currently, there is no pending legislation in this area.
- 127. These assumptions as to folios per page vary across the courts from 2.3 to 3.0. Judicial Council of California, Final Report: Reporting of the Record Task Force (Feb. 18, 2005), www.courts.ca.gov/documents /0205item7.pdf. Government Code section 69950(c) provides that "if a trial court had established transcription fees that were in effect prior to Jan. 1, 2012, based on an estimate or assumption as the number of words or folios on a typical transcript page, those transcription fees shall be the transcription fees for proceedings in those trial courts" (emphasis added).
- 128. Government Code section 69954(a) addresses payment for transcripts prepared by a reporter using computer assistance and delivered on a medium other than paper. It requires compensation at the same rate set for paper transcripts, except the reporter may also charge an additional fee not to exceed the cost of the medium or any copies thereof. The fee for a copy of a transcript in computer-readable format is set at one-third the rate set forth for a second copy of a paper transcript (Government Code section 69954(b)). A reporter may also charge an additional fee not to exceed the cost of the medium or any copies thereof.
- 129. *Lipman v. Massachusetts* (1973) 475 F.2d 565, 568, citing *Nimmer on Copyright*: "Since transcription is by definition a verbatim recording of other persons' statements, there can be no originality in the reporter's product."
- 130. Government Code section 69954(d).
- 131. Government Code section 69950.
- 132. See California Rules of Court, rule 8.130(f)(2); and cf. *Bitters v. Networks Electronic Corp.* (1997) 54
 Cal.App.4th 246, 250 (statutory protections do not apply to transcripts which a party has requested and paid for directly with the court reporter).
- 133. Business and Professions Code section 8025(e). Any failure to carry out a court reporter's duties that delays the filing of an appellate record may be treated as interference in addition to or instead of any other sanction that may be imposed by law (California Rules of Court, rule 8.23). When a court reporter is required to transcribe his or her notes for a case on appeal, that reporter is not permitted to act as an official reporter in any court until the reporter has fully completed and filed all transcriptions (Government Code section 69944).
- 134. California Rules of Court, rule 10.603(c)(10).
- 135. Of the 58 superior courts, 57 responded to the survey. One small-to-medium court was unable to reply. The results represent a snapshot in time, which may not reflect current or future practices. For the purposes of







- the survey, the term "normally available" was used as defined in California Rules of Court, rule 2.956.
- 136. The survey showed that the electronic recording systems in these courts are audio only. Most of the systems are digital, although four courts still use analog audio recording systems. While the number of microphones and placement may vary, generally the recording systems use four to five microphones, which are placed at the judge's bench, plaintiff table, defense table, witness stand, and at the clerk's or speaker's stand.
- 137. The recordings are used for internal purposes such as assisting the court clerks in performing their duties and monitoring commissioners and temporary judges. Two of these courts previously used electronic recordings as a record of court proceedings. Use of the equipment was halted following courthouse moves and calendar changes and has not been reinstated.
- 138. National Court Reporters Association (NCRA), "Graduation Trends in NCRA-Certified Programs: 1996 to 2006," www.ncra.org/News/content.cfm?ItemNumber = 10831 (as of Mar. 2017).
- 139. Ducker Worldwide, 2013–2014 Court Reporting Industry Outlook Report (Mar. 2014), 13, www.crtakenote.com /about-court-reporting/2013-14_NCRA_%20Industry _Outlook.pdf (as of Jan. 23, 2017). The estimate considered the demand for court reporters (official court reporters, freelance court reporters who primarily take depositions and examinations under oath, and captioners).
- 140. Judicial Council of California, *Elkins Family Law Task Force: Final Report and Recommendations* (Apr. 2010), 10, *www.courts.ca.gov/documents/elkins-finalreport.pdf* (as of Mar. 2017).
- 141. Judicial Council of California, *Task Force on Self-Represented Litigants: Final Report* (Oct. 2014), www.courts.ca.gov/documents/jc-20141028-itemP.pdf.
- 142. See Jameson v. Desta (2015), previously published as 241 Cal.App.4th 491, 504 (accepted for review by Supreme Court (Jan. 27, 2016) ___ Cal.4th ___, 197 Cal.Rptr.3d 522) (affirming order granting nonsuit based on "absence of a reporter's transcript"); Cueto v. Dozier (2015) 241 Cal.App.4th 550, 563 (Court of Appeal reversed denial of renewal of a domestic violence restraining order based on the trial transcript).
 - Failure to provide an accurate record on an issue requires that the issue be resolved against the appellant (see, e.g., *Oliveira v. Kiesler* (2012) 206 Cal.App.4th 1349, 1362; *Foust v. San Jose Const. Co., Inc.* (2011) 198 Cal.App.4th 181, 187).
- 143. California Rules of Court, rule 2.956(c); see Government Code section 68086(d)(2).
- 144. Ciaran McEvoy, "Shrinking court reporter staffs bring changes to civil litigation," *Daily Journal* (Mar. 15, 2012). Bar members indicate the rates can be even

- higher today, up to as much as \$1,000 a day in San Francisco.
- 145. California Rules of Court, rule 3.55(7).
- 146. Additional charges can be added for "expediting" a transcript in order to avoid months-long delays.
- 147. The Transcript Reimbursement Fund was established by the Legislature in 1981 and is funded through the Certified Shorthand Reporters annual license renewal fees. Business and Professions Code sections 8030.2–8030.8.
- 148. See, for example, *In re James R.* (1978) 83 Cal.App.3d 977, 980 (citing *Draper v. Washington* (1963) 372 U.S. 487, 496); *March v. Municipal Court* (1972) 7 Cal.3d 422, 428; *Maxwell v. Dolezal* (2014) 231 Cal.App.4th 93, 99–100.
- 149. Judicial Council of California, *Elkins Family Law Task Force: Final Report and Recommendations* (Apr. 2010), 80, *www.courts.ca.gov/documents/elkins-finalreport.pdf* (as of Mar. 2017).
- 150. Court costs for contracted and pro tem court reporters, differential, travel and transcript acquisition were obtained from the branchwide Phoenix Financial System used by all superior courts. Costs associated with court-employed court reporters was based on salary and benefit budget estimates from Schedule 7A data submitted by trial courts, aggregated for court reporter classifications.
- 151. This figure includes cost for contracted court reporters, pro tem court reporters, salaries and benefits for court-employed court reporters, travel and differential. Most courts rely on a combination of court-employed court reporters and independent contractors. However, the Superior Courts of Alpine, Colusa, Glenn, Inyo, Mono, Placer, Sierra, and Sutter Counties provide only contracted court reporters. The Superior Courts of Fresno, Los Angeles, Sacramento, San Francisco, Stanislaus, and Ventura Counties provide only employee court reporters.
- 152. These costs are for transcripts the courts are required to purchase. Details of costs by case type, original or number of copies purchased are not tracked by the council and only a few courts divide costs by non-felony and felony appeals.
- 153. Classification of court size is in accordance with 2014 authorized and funded judicial positions: small (2 to 3 judges); small to medium (4 to 15 judges); medium (21 to 49 judges); and large (65 or more judges). For large-size courts, removing the Superior Court of Los Angeles as a clear outlier at \$66 million, the cost ranged from \$8.1 million to \$16.3 million.
- 154. Statutorily grandfathered procedures, under which some courts use different assumptions as to how many folios are on each page, have led to significant cost differences between courts. Assumptions as to folios per page vary across the courts from 2.3 to 3.0. *Final Report: Reporting of the Record Task Force* (Feb.





- 18, 2005). For example, the cost of an original and two copies can range from \$2.30 to \$3.45 per page, depending on the folio rate applied. As a result, for a 30-page transcript, the cost to the court for the original and two copies can range from \$69 to \$103.50.
- 155. Minimum transcript format standards are set forth in California Code of Regulations, title 16, section 2473. These standards are superseded by any transcript format set forth by the court or jurisdiction for which the official court reporter is employed. As a result, transcript formats may vary from court to court.
- 156. Transcript costs reported are for transcripts that the courts are required to purchase. They do not include any costs paid directly to court reporters by parties. Information on these costs are not available. However, page 241 provides two examples of these costs.
- 157. Excluding two courts as clear outliers with transcripts costs of \$0 and \$231 for the fiscal year, the cost to purchase transcripts ranged from \$5,739 to \$36,823, with an average cost of \$17,580.
- 158. For large-sized courts, removing the Superior Court of Los Angeles County as a clear outlier at \$6.5 million, the cost for transcripts ranged from \$19,489 to \$1.5 million.
- 159. See Government Code section 68086(a)(1) (\$30 for civil proceedings anticipated to last one hour or less), 68086(a)(2) (fee, on pro rata basis, for civil proceedings lasting more than one hour), and 68086.1 (\$30 from civil and family first filing fees).
- 160. Judicial Council of California, Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for Fiscal Year 2014–2015 (Jan. 22, 2016), www.courts.ca.gov/documents/lr-CourtReporterExpendituresandFees Collected-fy2014-15.pdf (as of Mar. 2017).
 - Of the \$17,194,655 distributed back to the courts, \$4,892,621 was returned dollar for dollar back to the courts that collected the fee (Government Code section 68086(a)(1)) and \$12,302,034 was used to support courts' base allocations and was allocated through WAFM (\$4,301,960 of which was collected in accordance with Government Code section 68086(a)(2) and \$8,000,074 was collected in accordance with Government Code section 68086.1).
- 161. Ibid.
 - This expenditure amount is an estimate. Most courts do not track the time court reporters spend in proceedings by case categories. The estimate was made by taking the sum of budgeted salaries and benefits for all filled court-reporter employee positions, costs for contract court reporters, and multiplying by the estimated proportion of time court reporters spend on civil cases versus all cases, 34.5%. This time percentage estimate is based on the most recent time study survey, which was conducted by the National Center for State Courts in September 2003. It involved the superior courts in nine California

- counties, representing about 46.5% of statewide authorized court reporter positions.
- 162. The pilot program's cost-effectiveness was noted by the Legislative Analyst's Office. See 2011–2012 Budget: Analysis of the Legislative Analyst's Office (2011 LAO Report), 3, www.lao.ca.gov/analysis/2011/crim_justice /targeted_reductions_012511.aspx (as of Mar. 2017). The benefits of electronic reporting were demonstrated in a pilot study conducted in the California courts between 1991 and 1994. The study found savings of \$28,000 per courtroom per year in using audio reporting and \$42,000 per year using video reporting, instead of using a court reporter. Despite the demonstrated cost-savings, neither the pilot program nor the Legislative Analyst's proposal moved forward due to opposition from court reporters.
- 163. Lee Suskin, James McMillan, & Daniel J. Hall, Making the Record Utilizing Digital Electronic Recording (National Center for State Courts, Sept. 2013), www.ncsc.org/~/media/Files/PDF/Services%20and%20Experts/Court%20 reengineering/09012013-making-the-digital-record.ashx (as of Mar. 2017).
- 164. Extent of entries depends on the court and the functionality of the case management system.
- 165. National Association for Court Management, *Making the Verbatim Court Record* (June 2007), 9.
- 166. Ibid.
- 167. Expansion of digital recording to courts currently required to provide court reporters in all or some of the otherwise nonmandated case types will require amendments to Government Code sections 70045.75 et seq. as well as amending section 69957 (limitation on use of electronic reporting).
- 168. Selection of appropriate case types for rollout of electronic recording should be informed by the pilot program. Any expansion of electronic recording to mandated proceedings should occur as the result of court reporter reductions through attrition.
- 169. In fiscal year 2014–2015, trial courts spent \$19.3 million just to purchase transcripts.
- 170. In fiscal year 2014–2015, trial courts spent \$196 million to provide court reporter services.
- 171. Ducker Worldwide, 2013–2014 Court Reporting Industry Outlook Report (Mar. 2014), 14–16, www.crtakenote .com/about-court-reporting/2013-14_NCRA_%20 Industry_Outlook.pdf (as of Mar. 2017).
- 172. California Department of Social Services, State Hearings Division, "Mission, Vision, and Values," www.cdss.ca.gov/shd/PG1140.htm (as of Feb. 6, 2017).
- 173. Albert Bresticker, presiding administrative law judge at the California Department of Social Services, e-mail message (Feb. 8, 2017).
- 174. Appellate briefs point judges quickly and accurately to relevant places in the digital recording.
- 175. David Steelman and Samuel Conti, An Evaluation of







- Kentucky's Innovative Approach to Making a Videotape Record of Trial Court Proceedings (Apr. 1985).
- 176. Julie Helling, *Savings and Satisfaction: Making the Video Court Record in Kentucky* (Justice AV Solutions Whitepaper Series, 2016).
- 177. Andrew Green, president and CEO of Justice AV Solutions, interview by subcommittee of the Fiscal/Court Administration Working Group (Jan. 13, 2016).
- 178. Savings and Satisfaction: Making the Video Court Record in Kentucky.
- 179. Matthew Kleiman, Kathryn Holt, and Sarah M. Beason, "Making the Verbatim Record: A Window of Opportunity for Systemic Change," in *The Book of the States 2014*, Council of State Governments, knowledgecenter.csg.org/kc/system/files /Making%20the%20Verbatim%20Record_0.pdf (as of Mar. 2017).
- 180. Ibid. The rules included an exception that allowed trial judges to use a court reporter for capital cases, and a fund was set aside to pay for such reporters. However, there have been almost no expenditures from this fund, which reflects the confidence both the trial and appellate bench have in the recording systems.
- 181. C. Durham and D. Becker, Reaping Benefits and Paying the Price for Good Business Decisions in Future Trends in State Courts (2010), www.ndcrc.org/sites/default/files/future_trends_2010.pdf (as of Jan. 31, 2017).
- 182. Ron Bowmaster, "Fw: Transcript Management," e-mail received by Futures Commission staff (Jan. 13, 2017).
- 183. Ibid.
- 184. Ibid.
- 185. Ibid. Currently, 20 terabytes of internal storage at both the primary and secondary data centers have been allocated, with another 20 terabytes of cloud storage as a backup. The cloud storage costs \$3,200 per year and is used merely for data recovery should the primary and secondary data centers fail.
- 186. Ibid.
- 187. Ibid.
- 188. J. McMillan and L. Suskin, *Digital Court Recording Makes* the Record Effectively (Trends in State Courts: National Center for State Courts, 2015), www.ncsc.org/~/media /Microsites/Files/Trends%202015/DigitalCourtRecording _McMillan_Suskin.ashx (as of Nov. 17, 2016).
- 189. Ibid
- 190. Andrew Green and Mike Doan, interview by members of the Futures Commission during a visit to the Clark County Regional Justice Center in Las Vegas, Nevada (Mar. 30, 2016). Andrew Green is the president and CEO of Justice AV Solutions. Mike Doan is the chief information officer for the Clark County Regional Justice Center.

- 191. Grace Leong, "Vegas Court Reporters Try Dispelling Myths," Las Vegas Sun (Apr. 25, 2002), https://lasvegassun.com/news/2002/apr/25 /vegas-court-reporters-try-dispelling-myths/ (as of Jan. 17, 2017).
- 192. Lorraine Benavides, "Re: Clark County Courts," e-mail received by Futures Commission (Apr. 18, 2016).

 Annual salaries for these classifications range from \$39,998–\$61,984 for the court recorder/transcriber classification and \$43,222–\$66,955 for the senior classification. Currently, Clark County, Nevada, has 28 court recorder/transcriber positions.
- 193. "Vegas Court Reporters Try Dispelling Myths," Las Vegas Sun.
- 194. Ibid.
- 195. The minimum requirements for an electronic recording monitor are a GED and experience as a journey-level court services assistant. Given these lower qualifications, an electronic recording monitor's salary is less than that of a court reporter. The training of electronic monitors is conducted by the courts at its expense. Electronic monitors use court-owned systems and would not be required to purchase their own equipment, as is currently required of court reporters.
- 196. The use of a single electronic monitor operating the digital recording systems for multiple courtrooms is a practice consistent with courts across the country.
- 197. The estimated cost of using court-employed court reporters includes an offset from fees paid by parties for court reporter services in civil proceedings. Estimate 2 and Estimate 3 do not include potential revenue from the sale of recordings to offset some of the cost of providing these services. For estimate purposes, these were considered as pass-through expenses not to exceed the expense for staff time and media to provide the record.
- 198. Conference of State Court Administrators. *Digital Recording: Changing Times for Making the Record* (2009), 9. Judges and court reporters have traditionally worked as a team. One court reporter was usually assigned to a judge and the pair often worked closely together over the course of many years. Switching to digital recording will shift responsibility for the record to the judge and court staff. Judges will have primary responsibility for ensuring all parties speak both clearly and one at a time.
- 199. Legislative Analyst's Office, *Judicial and Criminal Justice* (2008–09 Analysis), D-44, *www.lao.ca.gov /analysis_2008/crim_justice/crimjust_anl08.pdf* (as of Mar. 2017).
- 200. SB 13 (Stats. 2009-2010 4th Ex. Sess., ch. 22 § 9).
- 201. See 2008–2009 Budget: Analysis of the Legislative Analyst's Office (2008 LAO Report), D-44–45; and 2011–2012 Budget: Analysis of the Legislative Analyst's Office (2011 LAO Report). The LAO estimated a \$13 million savings in the first year from 20% conversion







- to electronic recording and upwards of \$111 million in savings each year from full conversions. For a critique of a similar 2008 LAO analysis, see Justice Served, *An Analysis of Court Reporting and Digital Recording (DR) in California Courts* (rev. June 1, 2009), www.cal-ccra.org/assets/documents/Analysis_CourtReporting
 _DigitalRecording6-1-09.pdf (as of Mar. 2017).
- 202. See AB 803, § 3 (2011–2012 Reg. Sess.) as introduced Feb. 17, 2011, www.leginfo.ca.gov/pub/11-12/bill/asm /ab_0801-0850/ab_803_bill_20110217_introduced.pdf (as of Mar. 2017).
- 203. Comments in opposition were provided by California Court Reporters Association; Los Angeles County Court Reporters Association; San Diego Superior Court Reporters Association; Sacramento Official Court Reporters Association; court reporter speaking on behalf of official court reporters of the Ventura Superior Court; California Official Court Reporters Association; Northern California Court Reporters Association; Service Employees International Union; Teamsters; Laborers International Union of Association, North America, Locals 777 & 792 Association; Orange County Employees Association; American Federation of State County and Municipal Employees; San Diego County Court Employees; San Luis Obispo County Employees; Deposition Reporters Association of California, Inc.; Alliance of California Judges; and a judge of the Superior Court of Madera County.
- 204. Comments in support were provided by California Judges Association; Legal Aid Association of California; Legal Services of Northern CA; and Family Violence Appellate Project, together with 20 public interest organizations including California Partnership to End Domestic Violence; California Women's Law Center; Centro Legal de la Raza; Child Abuse Forensic Institute; Domestic Abuse Center; Domestic Violence Legal Empowerment and Appeals Project; Harriett Buhai Center for Family Law; Inner City Law Center; Laura's House; Law Foundation of Silicon Valley; Legal Aid Association of California; Legal Aid Foundation of Los Angeles; Legal Aid Society of San Diego, Inc.; Legal Aid Society of San Mateo County; Los Angeles Center for Law and Justice; National Housing Law Project; Pro Bono Project of Silicon Valley; Rape Crisis Advocates Serving Fresno County; San Diego Volunteer Lawyer Program, Inc.; and the UC Davis Family Protection and Legal Assistance Clinic.
- 205. See AB 803, § 3 (2011–2012 Reg. Sess.) as introduced Feb. 17, 2011, www.leginfo.ca.gov/pub/11-12/bill/asm /ab_0801-0850/ab_803_bill_20110217_introduced.pdf (as of Mar. 2017).
- 206. These proceedings are felony criminal cases, criminal grand jury proceedings, juvenile proceedings, proceedings under Family Code section 9005(d), and involuntary civil commitment proceedings.

- 207. These are the nonmandated proceedings (family law, civil, and probate matters). Under the current system, most transcripts are purchased by litigants from court reporters.
- 208. The Alaska and Kansas court systems are just two examples of courts that do not purchase transcript copies. The Alaska court system reserves the right to duplicate any transcript filed with the court without payment of fees to the transcriber. Alaska Court System, Manual of Transcript Procedures (Mar. 2016), www.courtrecords.alaska.gov/webdocs/forms/tf-410.pdf (as of Jan. 18, 2017). The Kansas court system does not require the purchase of a copy when requesting production of an original transcript, and access to the record is permitted under an open records act and Supreme Court rule. Kansas Judicial Branch, Rules Relating to the State Board of Examiners of Court Reporters, Rule 10, www.kscourts.org/rules/Rule-Info .asp?r1 = Rules + Relating + to + the + State + Board + of+Examiners + of + Court + Reporters & r2 = 320 (as of Mar. 2017).
- 209. The Connecticut and Illinois court systems are examples of courts that define the transcript rates for both the public and government agencies. In Connecticut, the rates for private parties (\$3 per page for an original, \$1.75 per page for copies) are higher than the rates for state and municipal offices (\$2 per page for an original, \$0.75 per page for copies). Connecticut Judicial Branch, Procedures for Ordering a Court Transcript, 7, www.jud .ct.gov/Publications/transcript.pdf (as of Jan. 18, 2017). In Illinois, the rates for private parties (\$3.15 per page for an original, \$1 per page for copies) are higher than the rates for government agencies (\$3 per page for an original, \$0.50 per page for copies). State of Illinois, Circuit Court of Cook County, "Official Court Reporters," www.cookcountycourt.org/ABOUTTHECOURT /OfficeoftheChiefJudge/CourtRelatedServices /OfficialCourtReporters.aspx (as of Jan. 18, 2017). Additional examples include Montana, Missouri, Nebraska, Nevada, New Mexico, New York, Rhode Island, and Wisconsin.







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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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.

PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT AND BAY AREA LEGAL AID'S APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 6 OF 6 - PAGES 1208–1336

Service on Attorney General required by Cal. Rules of Court, rule 8.29(c)

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. My business address is 1999 Avenue of the Stars, Los Angeles, CA 90067.

On December 4, 2024, I served true copies of the following document described as:

PETITIONERS' APPENDIX OF EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND/OR PROHIBITION VOLUME 6 OF 6 - PAGES 1208–1336

on the interested parties in this action as follows:

BY TRUEFILING: I electronically filed the document(s) with the Clerk of the Court by using the TrueFiling system.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx, with delivery fees paid and provided for, and addressed to the persons at the addresses listed in the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

BY EMAIL: I caused a copy of the document(s) to be sent to the persons at the e-mail addresses listed in the attached Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on December 4, 2024 at Los Angeles, California.

| Denis Listengourt |
|-------------------|

SERVICE LIST

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TAB 21



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688 www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title

Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants

Rules, Forms, Standards, or Statutes AffectedNone

Recommended by

Task Force on Self-Represented Litigants Hon. Kathleen E. O'Leary, Chair

Agenda Item Type

Action Required

Effective Date

November 1, 2014

Date of Report

September 15, 2014

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Executive Summary

This is the final report of the Task Force on Self-Represented Litigants. This task force was charged by the council to implement the Statewide Action Plan for Serving Self-Represented Litigants (Action Plan) which was approved on February 27, 2004. This report identifies those recommendations in the Action Plan that have been put into place, those that remain to be done, and those that require ongoing education, technical assistance, research and evaluation. In accordance with the direction given by the Executive and Planning and Rules and Projects Committees the task force is recommending that the Advisory Committee on Providing Access and Fairness be directed by the council to be responsible for the ongoing implementation of the Action Plan and the remaining tasks of the Task Force on Self-Represented Litigants.

Recommendations

The Task Force on Self-Represented Litigants recommends that the Judicial Council receive and accept the task force's final report, and, effective November 1, 2014:

- 1. Direct that the Advisory Committee for Providing Access and Fairness be responsible for the following remaining tasks:
 - a. Coordinate the statewide response to the needs of self-represented parties.
 - b. Implement the Statewide Action Plan For Serving Self-Represented Litigants where appropriate and share information about model programs.
 - c. Develop resources for services for self-represented litigants, particularly those activities in the statewide action plan that require significant funding.
 - d. Make recommendations to the Judicial Council on funding for the court self-help centers and expansion of services.
 - e. Make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented litigants.
 - f. Promote effective caseflow management and other court business office operations in cases involving self-represented litigants through research, and technical assistance to the courts.
 - g. Provide education for judicial officers (including court-appointed temporary judges) and court staff in handling cases involving self-represented.
- 2. Direct that the Advisory Committee on Access and Fairness be responsible for the tasks assigned to the Task Force on Self-Represented Litigants by the council in response to the recommendations of the Elkins Family Law Implementation Task Force final report as follows:
 - a. Promote increasing representation in family law through collaboration with the State Bar on limited scope and pro bono resources; and provide support and expertise to the programs instituted under the Sargent Shriver Civil Counsel Act(AB590 [Feuer]: Stats, ch. 457). 1
 - b. Seek funding for the expansion of the court self-help centers, and provide education and technical assistance to the court self-help centers in legal substance and procedure, useful technology and efficient business practices, and make recommendations to the Judicial Council regarding updates to the *Guidelines for the Operation of Self-Help Centers in California Trial Courts*² as is required by CRC 10.960.³
 - c. Seek to increase the availability of interpreters in family law both in the courtroom, and in other core services such as the business office operations, self-help centers and family court services.⁴
 - d. Develop educational opportunities, information sharing, and technical assistance on the management of cases involving self-represented litigants, including the promotion of comprehensive settlement assistance for self-represented litigants in both motion and trial matters.⁵

⁵ Id

¹ Elkins Family Law Task Force, Final Report and Recommendations, April 2010, Judicial Council of California, Recommendation III

² http://www.courts.ca.gov/documents/self help center guidelines.pdf

³ Elkins Report. Recommendation III

⁴ Id

e. Continue empirical research necessary to assess demographics in the self-help centers, needs assessments, workload demands and the efficacy of court self-help strategies.⁶

Previous Council Action

On February 27, 2004, the Judicial Council adopted the recommendations set out in the Statewide Action Plan for Serving Self-Represented Litigants⁷. A task force was appointed and charged with implementing the recommendations contained in the Action Plan. Members of that Task Force on Self Represented Litigants have coordinated with advisory committees, courts and justice partners on statewide implementation efforts.

Implementation Efforts

A final report from the Task Force on Self-Represented Litigants is attached setting out detailed information about the implementation of the statewide Action Plan. (Attachment A, Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants.) Most of the recommendations have been implemented or initiated. Most notably, there are now court self-help enters in all of California's trial courts. However, most centers require expansion in scope and services. Other recommendations require ongoing education, technical assistance, research and evaluation. The final recommendations of the task force address the ongoing efforts that are needed to achieve the goals of the statewide Action Plan.

Rationale for Recommendation

Background and Methodology - The Task Force on Self-Represented Litigants

In May 2001, the Chief Justice named the Judicial Council's Task Force on Self-Represented Litigants. Responding to the growing number of self-represented litigants, the task force members were charged with the following mission:

- 1. To coordinate the statewide response to the needs of unrepresented parties;
- 2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
- 3. To develop resources for pro per services, particularly those activities in the statewide pro per action plan that require significant funding; and
- 4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for parties.

⁶ Id

⁷ http://www.courts.ca.gov/partners/documents/selfreplitsrept.pdf

The task force was chaired by Justice Kathleen E. O'Leary and was comprised of a diverse group of individuals from throughout the state representing the judiciary, bar, legal services, county government, court-based self-help center staff, law librarians, and the public.

The task force held its first meeting in September of 2001, and began work on creating a statewide action plan for assistance to self-represented litigants in the courts. In preparing this action plan, the task force analyzed 41 local action plans submitted by the courts. The task force also reviewed local court strategic plans that had been prepared as part of the community-focused strategic planning process initiated by the Judicial Council to improve public trust and confidence in the courts. The task force convened numerous subcommittee meetings by conference call on topics such as self-help centers, partnerships and technology. It contacted each of the Judicial Council Advisory groups to get their ideas and input for what measures the task force and the Judicial Council might undertake to serve the needs of self-represented litigants. The task force heard presentations by the Commission on Access to Justice and saw presentations of interactive systems designed to help litigants' complete forms.

The Statewide Action Plan for Serving Self-Represented Litigants

Throughout the process of developing the action plan, the Task Force on Self-Represented Litigants consistently found a unity of interest between the courts and the public with respect to court-based assistance to self-represented litigants. What benefited one benefited the other. Thus, in order to increase access to justice for the public, and enhance the courts' capacities for effectively handling cases involving self-represented litigants, the task force made three key findings:

- 1. Court-based, staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.
- 2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.
- 3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

| In February of 2004, Judicial Council approved the Statewide Action Plan for Serving Self- | - |
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| Represented Litigants (Action Plan).8 The plan set forth the following eight recommendation | ons |

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⁸ id

1. Self-Help Centers

In order to expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

In order to increase the efficiency of the court and to minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving selfrepresented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide action plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

The Task Force on Self-Represented Litigants – the Implementation Task Force

Upon approval by the Judicial Council of the Action Plan, a smaller Task Force on Self-Represented Litigants, also chaired by Justice O'Leary, was appointed to oversee implementation of the plan. For the last ten years, this task force has worked to help the courts adapt to this change in court population while working to assure that all Californians can seek justice through law.

There are now staffed, attorney supervised court self-help centers in all California trials courts, and stable funding for these centers has been established to support the court self-help centers. Integrated with the family law facilitators, these centers provide assistance in most areas of civil

litigation. Currently, over 1.2 million⁹ Californians seek assistance annually from the Family Law Facilitators and court–based Self-Help Centers. The majority of these Californians are trying to address fundamental concerns of family law, housing, and guardianship of children, interpersonal violence and consumer matters.

The Judicial Council has recognized court based self-help as a core function of court operations by adoption of rule 10.960 of the California Rules of Court. Guidelines for the operation of court self-help centers has been created that include matters related to services, staffing, operational design, and professional ethics.

The Task Force has also worked with the CJER Curriculum Committees to provide numerous trainings and materials for judges and court staff on handling cases involving self-represented litigants. In partnership with the State Bar of California, legal services, law librarians and many other justice system partners and community services agencies, a wide variety of helpful resources have been developed for the public.

As set forth in the attached report – much has been accomplished, but much more needs to be done to assist the courts and the people of the State of California.

Comments, Alternatives Considered, and Policy Implications

The Judicial Council's Executive and Planning and Rules and Projects Committees considered various alternatives as part of a comprehensive review of the governance, structure, and organization of the council's advisory groups, and the committees' recommendations were approved by the council. The task force recommendations are consistent with the council's directives with respect to integrating the Task Force on Self-Represented Litigants into the Advisory Committee for Providing Access and Fairness.

Implementation Requirements, Costs, and Operational Impacts

No new costs to the judicial branch will be incurred by adoption of these recommendations. The Advisory Committee on Providing Access and Fairness has already has already undertaken work on most of these remaining tasks.

Relevant Strategic Plan Goals and Operational Plan Objectives

Increasing the availability of counsel for self-represented litigants and supporting and expanding court-based assistance to self-represented litigants are consistent with Goal I (Access, Fairness, and Diversity). In particular these recommendation are consistent with Objective 2 (Identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair) and Objective 4 (Expand the availability of legal assistance, advice, and representation for litigants with limited financial resources.)

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⁹ In calendar year 2010, requests for assistance from the family law facilitator/self-help centers was 1,230,797 - Family Law Facilitator Electronic Database (FLFED) & quarterly reports from the Court Self-Help Centers.

The recommendations related to empirical research and evaluation are consistent with Goal II (Independence and Accountability), in particular with objective 4 (Measure and regularly report branch performance—including branch progress toward infrastructure improvements to achieve benefits for the public.) The research recommendations are also consistent with Goal III (Modernization of Management and Administration), in particular Objective 2 (Evaluate and improve management techniques, allocation of funds, internal operations, and services; support the sharing of effective management practices branchwide.)

The recommendations related to ongoing education and technical assistance with processes and procedures in handling cases involving self-represented litigants is consistent with Goal III (Modernization of Management and Administration), in particular Objective 5 (Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.) The recommendations are also consistent with Goal IV (Quality of Justice and Service to the Public), in particular Objective 1b (Practices, procedures, and service programs to improve timeliness, quality of service, customer satisfaction, and procedural fairness in all courts—particularly high-volume Courts); Objective 1c (Improved safety, permanency, and fairness outcomes for children and families); and Objective 1f (Improved practices and procedures to ensure fair, expeditious, and accessible administration of justice for litigants in domestic violence cases.)

Attachments

Attachment A - Task Force on Self-Represented Litigants: Final Report on Implementation of the Judicial Council Statewide Action Plan for Serving Self-Represented Litigants



Task Force on Self-Represented Litigants

IMPLEMENTATION TASK FORCE: FINAL REPORT

OCTOBER 2014



TASK FORCE ON SELF REPRESENTED LITIGANTS

Implementation Task Force: Final Report

October 2014

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Task Force on Self-Represented Litigants: Final Report

Introduction

Civil litigation is changing in America. The majority of people coming to court in civil cases now stand before the court on their own, without an attorney by their side. For the past 10 years, the Judicial Council's Task Force on Self-Represented Litigants has worked to help the courts adapt to this change in court population while working to assure that all Californians can seek justice through law.

The growth in the numbers of self-represented litigants (SRLs) has been well documented in numerous reports at the local, state, and national levels over the past 15 years. California has been recognized internationally as a leader in responding to this change. Currently, over 1.2 million Californians seek assistance annually from family law facilitators and court-based self-help centers. The majority of these Californians are trying to address fundamental concerns of family law, housing, guardianship of children, interpersonal violence, and consumer matters.

Approximately 75 percent of those seeking help in court self-help programs report that they are employed. However, 81 percent of those employed litigants report earning under \$3,000 per month, in contrast to the average Californian, who earns approximately \$4,000 per month. Comparing those wages to the average cost of

Family Law Facilitator & Court Self Help Centers provide services to over 1.2 million Californians annually

family law attorneys, for example, who reported charging an average of \$330 per hour with an initial retainer of \$5,575, the high rate of self-representation is not too surprising.²

This trend is unlikely to change: Bureau of Labor Statistics projections indicate that the largest number of job openings over the next 10 years will be in primarily low-wage occupations, such as retail salespersons, food preparation and service workers, and cashiers.³ Similarly, the increasing complexity of the law leads to increasingly high attorney fees. Thus, representation by an attorney throughout a case has become out of reach for most civil litigants.

While the lack of legal representation is clearly an enormous barrier for the public, it also creates a structural gap for the courts. Court operational systems, in accord with traditional adversarial jurisprudence, have been designed to manage a flow of cases in which the vast majority of

¹ Calendar year 2010 saw 1,230,797 requests for assistance from family law facilitators/self-help centers, according to the *Family Law Facilitator Electronic Database (FLFED) and quarterly reports from the court self-help centers*.

² Judicial Council of Cal., Elkins Family Law Task Force: Final Report and Recommendations (April 2010), www.courts.ca.gov/documents/elkins-finalreport.pdf.

³ U.S. Department of Labor, U.S. Bureau of Labor Statistics, Occupational Employment Statistics program, *Employment Projections: 2012–2022* (December 2013), Table 8; occupations with the largest projected number of job openings due to growth and replacement needs, 2012 and projected 2022.

litigants have had attorneys to represent them. In today's civil litigation world where the majority of litigants are not represented, the operational components required to accomplish effective court management have changed. Managing cases involving self-represented litigants is a daily business event at every level of court operations—from filing through calendaring, records management, and courtroom hearings. The pressing need for effective caseflow management of cases involving self-represented litigants is intensified by periods of fiscal austerity. In order to enhance the court's ability to efficiently handle its civil caseload, robust court-based assistance to self-represented litigants has become a critical case management component and a core function of a modern court.

Background

Growth of Self-Represented Civil Litigation

The growth in the number of self-represented litigants over the last 30 years in civil litigation has been remarkable. There is no reliable aggregate data on the actual size of the SRL population in the American courts; however, local data combined with empirical observations have been available. Family law was the first area of unlimited civil law to be seriously challenged by the growth in the numbers of SRLs, and has been a harbinger for the future.

In Arizona, for example, the rate of family law cases in which at least one party was without counsel doubled in five years, from 24 percent in 1980 to 47 percent in 1985. By 1990, this rate had grown to 88 percent. By the mid-1990s, in Washington state the rate of family law cases in which at least one party was unrepresented had reached 77 percent, In Massachusetts it was 80 percent, and in Oregon it was 89 percent. In California, during the 1980s, the percentage of family law cases in which at least one party was unrepresented grew from 30 percent to 67

SELF REPRESENTED LITIGATION IS NOT SIMPLY A CALIFORNIA ISSUE

(EXAMPLES)

- UTAH reports that 49% percent of petitioners and 81% of respondents in divorce cases are self-represented.
- NEW HAMPSHIRE reports almost 70% divorce cases of cases have one self-represented party
- NATIONAL DATA indicates that 60% to 90% of family law cases involve at least one selfrepresented litigant

⁴ Steven R. Cox and Mark Dwyer, *A Report on Self-Help Law: Its Many Perspectives* sponsored by the American Bar Association's [ABA's] Standing Committee on the Delivery of Legal Services but not formally endorsed by the ABA) cited in Russell Engler, "And Justice For All—Including the Unrepresented Poor: Revising the Roles of Judges, Mediators, and Clerks," *Fordham L. Rev.* 67, no. 5 (1999).

⁵ Bruce Sales et. al., "Is Self-Representation a Reasonable Alternative to Attorney Representation in Divorce Cases?" 82 *St. Louis U. L.J.* 37, (1992): 553, 571, as cited in Russell Engler, *supra*, at note 4.

⁶ Erin M. Moore, "The Cost of Divorce: Pro Se Litigants Flood Family Law Courts," *De Novo* (May 1995), as cited in Russell Engler, *supra*, at note 4.

⁷ Russell Engler, *supra*, at note 4, p. 2047, note 263.

⁸ Maureen McKnight, *Dealing with the Unrepresented Opponent* (1996) (unpublished manuscript, on file with author; prepared for the Oregon Family Law Conference 1996), as cited in Russell Engler, *supra*, at note 4.

percent and continued to grow throughout the 1990s. 9 In San Diego County, for example, the number of divorce filings involving at least one SRL rose from 46 percent in 1992 to 77 percent in 2000. A review of case files involving child support issues conducted by the California Judicial Council between 1995 and 1997 showed that at least one party was unrepresented in 84 percent of the cases. ¹⁰ Two years later in 1999, in a similar study of case files, the SRL rate had increased to 89 percent. ¹¹ In a 2003 survey of SRL assistance plans submitted by local trial courts to the Judicial Council, estimates of the SRL rate in family law from the larger counties (with over 50 judicial positions) was 72 percent. ¹² By the time of the 2003 survey, California courts were also citing high percentages of SRLs in other areas of civil litigation as well. ¹³ The average estimate of the SRL rate in unlawful detainers was 34 percent. (If landlords were excluded, the rate rose to about 90 percent.) The mean in probate was 22 percent, with some courts reporting rates over 50 percent. Some courts estimated the rate of SRLs appearing in other types of civil litigation as high as 50 percent.

National judicial organizations were also addressing similar issues. For example, attendees at the 1996 National Conference on the Future of the Judiciary identified open access to the justice system as one of the top five issues facing today's courts. In 1999, the National Conference on Trust and Confidence in the California Courts ranked the cost of accessing the courts as the second most pressing issue affecting public trust and confidence in the justice system. ¹⁴ In 2001, the Conference of Chief Justices and the Conference of State Court Administrators formed a joint task force on pro se litigation. In its 2002 report, this task force stressed the need for courts to design processes that work well for cases involving self-represented litigants and to take an affirmative role in responding to their needs. ¹⁵

Early Court Planning

Prior to 1997, proactive work was under way locally in the California courts with respect to cases involving SRLs. Courts such as the Superior Court of Ventura County had begun to

⁹ Deborah L. Rhode, "The Delivery of Legal Services by Non-Lawyers," *Geo. J. Legal Ethics* 4, no. 209 (1990): 214-215, as cited in Russell Engler, *supra*, at note 4.

¹⁰ Judicial Council of Cal., *Review of Statewide Uniform Child Support Guideline* (1998), p. ES-5, www.courtinfo.ca.gov/programs/cfcc/pdffiles/suppguide.pdf.

¹¹ *Id.* at p. 39.

¹² Deborah J. Chase and Bonnie Rose Hough, *A Report and Analysis of Action Plans Throughout California: Integrating Services for Self-Represented Litigants into the Court System* (Judicial Council, Center for Families, Children & the Cts., June 2003) (report created for the State Justice Institute).

¹³ *Ibid*.

¹⁴ National Center for State Courts, *National Action Plan: A Guide for State and National Organizations* (2000), http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctcomm/id/20.

¹⁵ Conference of Chief Justices and Conference of State Court Administrators, Joint Task Force on Pro Se Litigation, *Final Report of the Joint Task Force on Pro Se Litigation* (July 2002), http://cosca.ncsc.org/~/media/Microsites/Files/COSCA/Policy%20Papers/TaskForceReportJuly2002.ashx.

experiment with implementation of court-based self-help centers. ¹⁶ There were also two pilot family law facilitator programs in the Superior Courts of Santa Clara and San Mateo Counties. ¹⁷

In 1996 the Legislature passed Assembly Bill 1058, which became the Family Law Facilitator Act. ¹⁸ This legislation provided for court-based attorneys to provide neutral educational assistance for SRLs in child support matters. The family law facilitator programs were largely implemented by the end of 1997 and were beginning to provide a clear window into the types of court operations that would be needed to effectively manage these cases. The sheer volume of SRLs seeking assistance from the family law facilitators was stunning. Even with the limitation that cases must involve child support, these early family law facilitators were seeing approximately half a million litigants per year statewide. ¹⁹

In 1999, the American Judicature Society held the National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. Chief Justice Ronald M. George appointed a team from California to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to kick off state and local planning for court-based programs to assist SRLs. Over 600 stakeholders participated in these conferences, and 55 of California's 58 local courts participated in this planning process. ²⁰

The Task Force on Self-Represented Litigants

In May 2001, the Chief Justice created the Judicial Council's Task Force on Self-Represented Litigants. Responding to the growing number of self-represented litigants, the task force members were charged with the following mission:

- 1. To coordinate the statewide response to the needs of unrepresented parties;
- 2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
- 3. To develop resources for pro per services, particularly those activities in the statewide pro per action plan that require significant funding; and
- 4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for parties.²¹

¹⁹ Frances L. Harrison, Deborah J. Chase & L. Thomas Surh, "California's Family Law Facilitator Program: A New Paradigm for the Courts," *Journal of the Center for Families, Children & the Courts* 2 (2000), pp. 61–97.

¹⁶ Bonnie Rose Hough, "California's Programs for Self-Represented Litigants," Appendix 2 of the *Statewide Action Plan for Serving Self-Represented Litigants* (n.d.; prepared for International Legal Aid Group).

¹⁷ The pilot projects were created by Family Code sections 20000–20043.

¹⁸ Fam. Code, § 10000 et.seq.

²⁰ Deborah J. Chase & Bonnie Rose Hough, *A Report and Analysis of Action Plans Throughout California: Integrating services for self-represented litigants into the court system* (2003; Judicial Council of Cal., made possible by a grant from the State Justice Institute).

²¹ Judicial Council of Cal., Statewide Action Plan for Serving Self-Represented Litigants (2004).

The task force was chaired by Justice Kathleen E. O'Leary and comprised a diverse group of individuals from throughout the state representing the judiciary, the bar, legal services, county government, court-based self-help center staff, law librarians, and the public.

Statewide Action Plan for Serving Self-Represented Litigants

The task force held its first meeting in September of 2001 and began work on creating a statewide action plan for assistance to self-represented litigants in the courts.

In preparing this action plan, the Task Force on Self-Represented Litigants analyzed 41 local action plans submitted by the courts. The task force also reviewed local court strategic plans that had been prepared as part of the community-focused strategic planning process initiated by Chief Justice George to improve public trust and confidence in the courts. The task force convened numerous subcommittee meetings by conference call on topics such as self-help centers, partnerships and technology. It contacted each of the Judicial Council advisory groups to get their ideas and input for what measures the task force and the Judicial Council might undertake to serve the needs of self-represented litigants. The task force heard presentations by the California Commission on Access to Justice and saw presentations on interactive systems designed to help litigants complete forms.

Throughout the process of developing the action plan, the task force consistently found a unity of interest between the courts and the public with respect to court-based assistance to self-represented litigants. What benefited one benefited the other. The task force believed that by directly confronting the enormity of litigation involving self-represented litigants, courts could improve the quality of their service to the public and reduce the time and cost of service delivery.

Key Findings

The task force made three key findings intended to increase access to justice for the public and enhance the courts' capacities for effectively handling SRL cases:

"The self-help center is the critical connection between the self-represented public and the court. Because of the help given at the self-help center, cases are ready to go when scheduled rather than having to be continued so often. The self-help center staffs our pro per calendar to assist litigants in the courtroom. Orders are prepared. The status of the case is assessed to determine the next best step toward conclusion of the case. Often we can finish a case to judgment the same day. This saves the burden of further court hearings or trials."

Kim Turner, CEO Marin Superior Court

1. Court-based, staffed self-help centers, supervised by attorneys, are the optimal way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.

- 2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants and to effectively manage their cases at all stages are incorporated and budgeted as core court functions.
- 3. Partnerships between the courts and other governmental and community-based legal and social services organizations are critical to providing the comprehensive field of services required for success.

The Recommendations

In February of 2004, the Judicial Council approved the *Statewide Action Plan for Serving Self-Represented Litigants* (Action Plan). ²²

The plan set forth the following eight recommendations:

1. Self-Help Centers

To expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state.

2. Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

3. Allocation of Existing Resources

Presiding judges and executive officers should consider the needs of self-represented litigants in allocating existing judicial and staff resources.

4. Judicial Branch Education

To increase the efficiency of the court and minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

5. Public and Intergovernmental Education and Outreach

Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

| ²² Id | | | |
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6. Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

7. Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

8. Implementation of Statewide Action Plan

To provide for successful implementation of this statewide Action Plan, a smaller task force charged with the responsibility of overseeing implementation should be established.

Implementation Task Force

Upon approval by the Judicial Council of the Action Plan, a smaller Implementation Task Force on Self-Represented Litigants, also chaired by Justice O'Leary, was appointed to oversee implementation of the plan.

Recommendation I. Self-Help Centers

To expedite the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers should be developed throughout the state

Background

The remarkably high volume of SRL cases, many with complex issues, was resulting in large numbers of pretrial hearings, delays, and backlogs in dispositions and increasingly high inventories for many judges. The inability of SRLs to understand and navigate the justice system unassisted was posing a number of challenges for the public and the court. For example, conflicting appearance schedules or requirements to appear too frequently were resulting in unnecessary scheduling of court time and resources, as well as problems for litigants with significant time off from work. Cases were not being coordinated and hearings and trials

"The self-help center is indispensible to our court — it is the busiest unit in the courthouse. The work of the self-help center has reduced our continuances by 60%. We would be a lesser court without the self-help center. It provides so much value to the court and the public."

Michael Tozzi Court Executive Officer (Ret.) Stanislaus Superior Court

repeatedly continued, so that some aspects of a dispute were being adjudicated more than once, sometimes by more than one court. Inadequate paperwork from SRLs was increasing

continuances (or dismissals), and cases were not reaching completion in a timely manner—if at all. Judicial officers were reporting that difficulty getting critical information was interfering with their ability to make comprehensive, fully informed decisions or compromising the safety of family members and court staff. There were often no written orders in court files, and the court was unable to track compliance with its orders. The business office staff was presented with myriad legal questions that they often could not answer. Lines at filing windows were long and business offices crowded with people asking questions and repeatedly submitting and resubmitting paperwork as they attempted to complete it accurately enough to get it filed. In the courtrooms, judges were often taking significant court time otherwise available to hear cases to educate SRLs about court procedure.

To facilitate the processing of cases involving self-represented litigants and increase access to justice for the public, court-based, staffed self-help centers were needed throughout the state.

Implementation

- Currently court-based assistance to SRLs is available throughout the California state trial
 court system. These court self-help centers address family law, unlawful detainer, probate
 guardianships and conservatorships, property issues such as foreclosures, small claims
 matters, domestic violence and other restraining order issues, and myriad other civil matters,
 including consumer debt defense and collection, and— even expungements. Since 2007, the
 Judicial Council has provided ongoing dedicated funding to operate court self-help centers
 statewide and local courts have made significant funding contributions from their own
 budgets.
- These court self-help centers have built on leadership from the following:
 - O Small Claims Advisors. Created in 1978, advisors, who are not always attorneys, provide free assistance in small claims matters, including "[i]ndividual personal advisory services, in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance" regarding preparation of small claims court filings; procedures, including procedures related to the conduct of the hearing; and information on the collection of small claims court judgments.²³
 - o Family Law Facilitators. Family law facilitators have been available in California trial courts since 1997. These experienced attorneys developed creative ways to provide substantial neutral information to SRLs with child support matters, and many courts supplemented the title IV-D funds to allow services in all family law cases.
 - Equal Access Fund Partnership Grants. Since 1999, the Legislature has provided funding to the Judicial Council designated for nonprofit legal aid providers to operate self-help centers in collaboration with local courts. These partnerships are designed to help local

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²³ Code Civ. Proc., § 116.940.

courts respond to the growing numbers of self-represented litigants in a variety of civil litigation case types.

- o Family Law Information Centers. Established in 1999, the Family Law Information Centers provided funding to expand the facilitator program to allow court-based assistance covering all issues related to family law cases for three pilot programs.
- Model Self-Help Pilot Projects. Beginning in 2002, model self-help centers have been in five superior courts—in San Francisco, Fresno, Butte, Los Angeles, and Contra Costa Counties—each focusing on a specific issue. San Francisco focused on providing multilingual services, Fresno on Spanish assistance. Los Angeles and Butte both focused on collaborative work—Los Angeles on urban collaboration among many service providers and Butte on regional collaboration among rural courts. Contra Costa focused on technology.
- Early Local Court Self-Help Centers. Following are examples of early local court selfhelp centers:
 - Santa Clara and San Mateo pilot facilitator programs
 - Santa Clara Self-Service Center
 - Ventura Self-Help Center
 - Nevada County Public Law Center

Current Status

The foundation for this recommendation has been laid by the implementation and operation of programs such as those set out above. Those programs are ongoing. However, the courts estimated in a 2007 survey conducted by the Judicial Council that to fully meet the needs of the court and the public, an ongoing statewide operating budget of \$44,404,373 for the court self-help center would be necessary. Current funding has reached approximately one quarter of this goal, at \$11,200,000.²⁴

A. The Judicial Council should continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.

Background:

The task force understands that in modern courts, self-help services must be identified as a core court function in the trial court budget process. Assistance for self-represented litigants and the efficient processing of cases involving self-represented litigants should be identified as core court operational processes that directly affect the court's ability to achieve its mission, and appropriate funding should be provided. Budget request forms developed by the Judicial Council should reflect that these services are integral to the function of the court.

²⁴ The list of centers and the services they provide is posted on the home page of the California Courts Online Self-Help Center: <u>www.courts.ca.gov/selfhelp</u>.

Implementation:

- Effective January 1, 2008, the Judicial Council adopted California Rules of Court, rule 10.960, identifying court-based assistance to SRLs as a core court function.
- Under rule 10.960, each court must include in its annual budget funding necessary for operation of its self-help center.
- The Resource Assessment Study, which forms the foundation for the Workload Allocation Funding Model, captures the full range of services provided by self-help centers to estimate staffing needs.

Current Status:

This recommendation has been largely completed, but additional funding is needed.

B. Courts should use court-based, attorney-supervised, staffed self-help centers as the optimal way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.

Background:

The accuracy and completeness of the information provided to the public by the court was an issue raised with the task force. There was concern that some locations were simply putting out brochures and identifying them as self-help or that staff being assigned to the self-help centers might not be trained or qualified to answer the types of questions posed by SRLs, and that those services would be helpful for neither the court nor the public. The level of information and education provided by self-help center staff distinguishes that role from the role normally played by a court clerk or other court staff.

"The Family Law Center has helped me every step of the way. I don't know where I'd be without it. The people are very helpful. I'm a single mom w/ low income and without this Center I would not [have] been able to accomplish everything."

SRL Litigant

The practical information necessary to run a successful court self-help center requires knowledge and experience in the areas of law covered. Self-help center staff must be able to understand the procedural complexities of a case from beginning to end.

"[Staff] was very helpful, knowledgeable, in giving options and information about avenues a father can take. Excellent – I left with 'hope' at having a father's chance in being as much as part of my children's lives." The task force also heard concerns about ethical issues, primarily maintaining the court's neutrality and appearance of neutrality. This concern frequently arose in the context of various collaborations between the court and legal services when the legal service agency would serve only one side of a case, such as in domestic violence or unlawful detainer. There was a

SRL Litigant 10

need to develop standards for providing legal education to the public from a neutral position.

Other concerns arose about the use of volunteers in the self-help centers. These concerns often centered on the critical need for competence of everyone who volunteered and the issue of attorneys generating private clients from the self-help center users.

The task force wanted to build on the expectation of well-trained staff as stated in the Family Law Facilitator Act, which requires the facilitator to be an active member of the California State Bar with litigation or mediation experience in family law. 25 As required by the statute, ²⁶ the Judicial Council in 2000 adopted additional rules regarding facilitators, which included a requirement that facilitators have at least five years of experience as a practicing attorney, including substantial family law practice counting litigation and/or mediation. ²⁷

"The help given to the self-represented litigants with the paperwork they submit allows me to understand the positions of the parties as set out in pleadings that I can actually read. The documents are filled out, financial information is available to me, litigants know what I need to know to make a decision and the hearings are much more efficient. Also, the self-help center prepares orders after hearings so that I have a complete file – I can now count on the file to reflect what has actually happened previously in the case. This is critical when I am being asked to enforce or modify a previous order."

Hon. Lorna Alksne San Diego Superior Court

Implementation:

- In 2008, the Judicial Council adopted California Rules of Court, rule 10.960. This rule provides that all court self-help centers must be staffed and attorney supervised.
- The yearly contracts between the courts and the Judicial Council contain a requirement that the courts submit a budget that allocates at least 80 percent of funding to pay for staffing costs.
- The Guidelines for the Operation of Self-Help Centers in California Trial Courts (SHC Guidelines), issued by the Administrative Office of the Courts (renamed Judicial Council) in 2008 and reaffirmed in 2011, set out court self-help center staffing criteria that includes the following:

²⁵ Fam. Code, § 10002.

²⁶ Fam. Code, § 10010.

²⁷ Cal. Rules of Court, rule 1208, renumbered as rule 5.430.

- Staff must be present when the court self-help center is open to the public (Guideline 20).
- A self-help attorney must oversee the legal work of nonattorney staff who provide direct legal information (Guideline 21).
- The managing attorney should be working on self-help center business during the times the center provides services to the public (Guideline 24).
- The managing attorney must be an active member of the State Bar and have experience in the areas of law covered by the self-help center for a minimum of five of the last seven years in practice (Guideline 25).
- Training and experience criteria are set out for other self-help center staff (Guidelines 28, 31, 34).
- The SHC Guidelines also set out ethical standards that build on Appendix C to the California Rules of Court.²⁸ (Guidelines 43–44).

Current Status:

This recommendation has been largely completed. Attorney-supervised, staffed self-help centers are standard operating practices in California trial courts. They have proven remarkably successful. Additional funding is required.

"The Self Help Center in our courthouse is really a cornerstone for those of us in family law who are struggling not just to make do with less, but actually trying to do more and do it better, with less.....As a result of excellent calendar and file preparation before settlement conferences) and in-court SHC staff participation, we are able to hear as many SRL settlement conference—with an increase settlement rates, improvement trial preparation for those cases that are to be litigated, and preparation judgment documents for completed cases—in one department than we were previously able to do in three."

Hon. Kimberly Neistrom-Geist Fresno Superior Court

C. Self-help centers should conduct an initial assessment of a litigant's needs (triage) to save time and money for the court and parties.

Background

Concerns were raised regarding the accuracy and completeness of legal documents prepared by self-represented litigants. Frequently, problems were discovered when the litigants reached the courtroom only to find that the case could not move forward. Initial diagnostic

²⁸ Appendix C is entitled "Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices."

assessment of the actual legal needs of the self-help center user is important to avoid these problems. This assessment requires the ability to review a case file, spot relevant issues, and identify options.

It was also clear that there were cases where it simply was inappropriate for a litigant to try to represent him or herself and that it was most helpful to let the litigant know of the complexity of the case and make appropriate referrals to the bar and legal services that could provide representation.

Implementation:

- The commentary to SHC Guideline 15 identifies interview and assessment (triage) as a core service of a self-help center. Most self-help centers have a triage process in place.
- Three courts (Orange, Placer, and Sacramento) are using an electronic sorting system in the clerk's office to sort waiting court users by case type, eliminating the need for them to stand in line.
- SHC Guideline 8 requires a self-help center to "maintain a current and complete referral list and develop referral protocols with all appropriate community-based organizations and lawyer referral services to ensure efficient and effective referral of matters where counsel is necessary."
- SHC Guideline 11 states that "[w]hen a litigant cannot be effectively assisted in the court self-help center, prompt referral to appropriate legal assistance should be made whenever possible."
- SHC Guideline 12 prohibits self-help centers from providing assistance "on any issue on which a litigant is actively represented by an attorney. The center should develop a written protocol to avoid providing service to litigants who are currently represented by an attorney on that issue."
- Conferences and training sessions are jointly sponsored by the Judicial Council, State Bar, and Legal Aid Association of California (LAAC) to allow for cross-training and development of referral protocols.
- The Judicial Council administers the Sargent Shriver Civil Representation Pilot Project to
 provide representation in case types where one side is traditionally represented and the
 other side is not. These partnerships between the courts and legal services are evaluating
 the impact of providing counsel not only for the litigants, but also for the court and
 society at large.

Current Status:

This recommendation is ongoing as the needs of the public, available resources, and the law change. Self-help centers are always reviewing and restructuring their legal assessment procedures.

D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.

Background:

The task force recognized that many of the litigants seeking services from the court need a wide variety of services. Strong collaborative efforts between court self-help centers and other governmental or community-based agencies are critical in helping members of the public address their legal needs comprehensively. Support for staffing, facilities, and other needs can also be obtained through partnership agreements with nonprofit programs, local bars, law schools, law libraries, and others.

Implementation:

- Ongoing Equal Access Fund Partnership Grant programs are collaborations between the court and legal services for services to self-represented litigants. Projects have been developed throughout the state serving a wide variety of needs.
- Starting in 2004 in the Superior Court of Los Angeles, the JusticeCorps program was created to bring together colleges and universities and the court to place students in court self-help centers to assist litigants. As a part of AmeriCorps, the JusticeCorps students gain valuable education about the justice system while providing the court and the public with assistance in the self-help centers. The program has expanded from Los Angeles to the Superior Courts of Alameda, Contra Costa, San Diego, San Francisco, San Mateo, and Santa Clara Counties. JusticeCorps works in collaboration with the University of California, California State Universities, private colleges, and community service providers.
- Following are examples of legal aid agencies working with court self-help centers:
 - o Alameda County Bar Volunteer Legal Services
 - o Asian Pacific Islander Legal Outreach
 - o Bay Area Legal Aid
 - Bet Tzedek Legal Services
 - o California Rural Legal Assistance, Inc.
 - o Central California Legal Services
 - o Community Legal Services in East Palo Alto
 - Contra Costa Senior Legal Services
 - East Bay Community Law Center
 - o Elder Law & Advocacy

- o Family Violence Law Center
- o Greater Bakersfield Legal Assistance, Inc.
- Inland Counties Legal Services
- o Inland Empire Latino Lawyers Association, Inc.
- Justice & Diversity Center
- Law Foundation of Silicon Valley
- Legal Aid Foundation of Los Angeles
- Legal Aid Foundation of Santa Barbara County
- Legal Aid of Marin
- o Legal Aid of Napa Valley
- Legal Aid of Sonoma County
- Legal Aid Society of Orange County
- Legal Aid Society of San Diego
- Legal Assistance for Seniors
- Legal Services of Northern California
- Los Angeles Center for Law and Justice
- Los Angeles County Bar Association projects
- Neighborhood Legal Services of Los Angeles County
- o Pro Bono Project of Silicon Valley
- o Public Counsel
- o Public Law Center
- o San Diego Volunteer Lawyer Program
- Watsonville Law Center
- Following are examples of colleges and universities working with court self-help centers:
 - o Cal State Western Law School
 - o California State University
 - o Chapman University School of Law
 - Golden Gate University School of Law
 - Santa Clara, School of Law School of Law
 - Sonoma State University
 - Thomas Jefferson School of Law
 - o University of California, Berkeley, School of Law
 - o University of California, Hastings College of the Law
 - o University of California, Irvine, School of Law
 - o University of California, Los Angeles, School of Law
 - University of San Francisco Law School
 - o University of the Pacific, McGeorge School of Law
 - Whittier Law School
- Following are examples of other collaborative partners that have worked with court self-help centers:
 - o Better Business Bureau

- o YMCA/YWCA
- Supervised visitation services
- Domestic violence services
- o Community agencies such as La Raza Centro Legal
- Law libraries
- Many collaborative programs were recognized with Kleps Awards for their creativity and cost-effectiveness:
 - The SHARP model self-help program is a regional collaboration between Butte, Lake, and Tehama courts.²⁹
 - The Superior Court of Calaveras County developed its self-help center by building close community partnerships.³⁰
 - The Los Angeles model self-help program is an urban collaboration that includes the court and several legal services providers. It also initiated the JusticeCorps project.³¹
 - The San Francisco ACCESS Center works in collaboration with local legal services to provide multilingual services to SRLs.³²
 - The Nevada County self-help center involves close collaboration between the court and the law library. ³³
 - The Superior Courts of Monterey, San Benito, Santa Clara, and Santa Cruz Counties partnered with law libraries to provide services.³⁴
 - The Superior Court of Siskiyou County developed highly graphic and culturally sensitive self-help instructional guides in close collaboration with its tribal community.³⁵
 - The Superior Court of Yolo County developed a guardianship project to assist selfrepresented litigants and connect them with resources.³⁶

²⁹ SHARP Center, Superior Courts of Butte, Glenn, and Tehama Counties (2004–2005).

³⁰ Community Legal Assistance Center, Superior Court of Calaveras County (2004–2005).

³¹ JusticeCorps, Superior Court of Los Angeles County (2006–2007).

³² ACCESS Center, Superior Court of San Francisco County (2004–2005).

³³ Nevada County Public Law Center; Kleps Award: http://wpc.1a57.edgecastcdn.net/001A57/cfcc/kleps/13 hi.mp4.

³⁴ <u>Regional Court and Library Partnership</u>, Superior Courts of Monterey, San Benito, Santa Clara, and Santa Cruz Counties (2006–2007).

³⁵ Siskiyou County, Visual Guide to the Court: www.courts.ca.gov/2268.htm.

³⁶ Yolo County, Guardianship Facilitation and Outreach: www.courts.ca.gov/2251.htm.

- O The Court of Appeal, Second Appellate District, developed the first appellate self-help program in the country in collaboration with legal aid and pro bono attorneys.³⁷
- o The Superior Court of Ventura County's self-help center worked with local Spanish language radio stations to provide a Spanish language legal "Tip of the Day." 38
- o The Imperial Court partnered with the Mexican Consulate, Mexican law students, and the court in Calexico, Mexico, to provide expanded self-help services.³⁹
- SHC Guideline 7 states that "[i]n order to maximize services, court self-help centers should collaborate with existing courthouse programs." Referral and coordination plan templates were developed for trainings for self-help center staff to assist in developing these collaborations.⁴⁰
- SHC Guideline 36 states that if a self-help center uses volunteers, "protocols should be developed to provide for their screening and training. Self-help center staff attorneys must provide oversight of volunteers, and their work should routinely be evaluated by the managing attorney."
- Self-help programs often develop partnerships with community mediation services. For example, the Superior Court of Sonoma County partners with a community mediation provider to attend family court and help SRLs reach agreement on the division of small items of personal property.
- The San Francisco ACCESS Center self-help center collaborates with a number of community cultural groups to provide assistance in several different languages.
- Pilot projects were developed in Monterey, Sacramento, San Francisco and Stanislaus
 Counties to provide mediation services and information for litigants with civil cases who
 had limited English proficiency. Informational videos were developed that explained the
 process. These videos have been posted on the California Courts website. 41 Specialized
 training was offered for mediators on handling cases with self-represented litigants and
 partnerships developed by the courts with local mediation services.

³⁷ Appellate Self-Help Clinic: www.courts.ca.gov/2293.htm.

³⁸ Superior Court of Ventura County, Tip of the Day (2003).

³⁹ Superior Court of Imperial County, Binational Justice Project (2008–2009).

⁴⁰ Developing and Maintaining Court/Community Partnerships to Better Serve the Pro Se Litigant.

⁴¹ Resolving Your Case: www.courts.ca.gov/20614.htm.

- Training was offered on how to use volunteers in court programs, and worksheets were developed on how best to use volunteers.⁴²
 - In many counties—including
 Marin, Sacramento, San Diego,
 and Sonoma Counties—attorneys
 volunteer to assist litigants to settle
 their cases at the time of hearings
 or at the family law case
 management calendars.
 - Many courts have partnered with local law schools to provide internship opportunities in selfhelp centers.

Current Status:

This recommendation is ongoing. The relationships built in these efforts have proven to be helpful to the court and the community.

"I have presided in family law both before our court had any assistance to self-represented litigants, and after we implemented our family law self-help center. The difference was like night and day. Most of our litigants cannot afford attorneys – so they had no help with filling out paperwork and understanding what the court process would be like. In about 90% of cases we did not have orders after hearing in the court file – I would have to rely on short minute orders to tell me what had gone on before. The self-help staff now prepares the orders after hearing and we have them in almost all cases.

Hon. Frances Kearny Placer Superior Court

E. Self-help centers should provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.

Background:

Just as SRLs need assistance to initiate cases and motions, they need assistance to finish them. The management of complex civil cases has historically been the job of attorneys. Without attorneys, this task falls on the court. Leaving it to the SRL to complete without assistance is not workable for anyone. SRLs do not know how to manage caseflow. In family law, significant numbers of SRL cases can linger for years without final judgment because the parties do not understand that they have more court tasks to perform subsequent to filing. Litigants who have default or uncontested matters simply do not know how to move forward to judgment. Some remarry, for example, in the mistaken belief that their case has been finalized by the court.

⁴² Using Volunteers: Worksheet for Developing Plan, found at www.courts.ca.gov/partners/documents/volws.pdf.

Similarly, many litigants do not understand what the orders in their case mean—or how to enforce or comply with them. Without this information, SRLs can become frustrated with the process or unintentionally violate orders.

Implementation:

Many local courts implemented family law caseflow management procedures using the attorneys and staff of their self-help centers. For example, in San Diego County, attorneys from the family law facilitator's office see all SRLs scheduled for status conferences and help them to complete whatever task will move their cases to the next best step possible in the process. In Orange County, the attorneys from the family law facilitator's office conduct procedural assistance calendars that provide service that mirrors the San Diego status conferences. Development of these local programs continues throughout the state.

"The assistance that the self-represented litigants receive in our self-help center greatly reduces our workload in the courtroom and also in our business office. In the courtroom, our continuances have been reduced because litigants far more frequently have correct and complete paperwork the first time. And because of the help they get at the self-help center, the default and uncontested judgments submitted by the self-represented litigants is far more frequently correct the first time it is submitted. This spares the court staff from having to return the paperwork and then review it again and again as it is refiled - until it is finally correct."

> Hon. Louise Fightmaster Sonoma Superior Court

- The SRL Task Force worked in collaboration with the Elkins Family Law Task Force and the Elkins Family Law Implementation Task Force on issues related to SRL cases. As a result of the Elkins recommendations, the following occurred:
 - o In August 2010, shortly after the appointment of the Elkins Family Law Implementation Task Force, the Legislature passed Assembly Bill 939 (Committee on Judiciary; Stats. 2010, ch. 352), which modified Family Code sections 2450–2451 to eliminate the requirement of a stipulation by the parties to allow the courts to provide case management services. As a result of this legislation, family law judges now have the same authority as other civil judges to organize the progress of family law cases as they proceed through the court process and to help the families reach a timely resolution.
 - The legislation also required the Judicial Council to adopt a rule of court implementing family law caseflow management, now called family-centered case resolution, by January 1, 2012. In response, the Judicial Council adopted

rule 5.83 of the California Rules of Court, which provides the framework within which courts can design their own procedures to actively manage their family law caseloads.

- Most of California's trial courts are providing substantial help to SRLs to complete their
 cases, mainly through integration and expansion of the self-help center into the family
 law caseflow management procedures that are being implemented under rule 5.83. For
 example, self-help centers in Contra Costa, Fresno, Orange, San Diego, Santa Clara, and
 Sonoma take an active role in caseflow management.
- Most self-help centers assist in preparing written orders after hearings and may provide service directly in the courtrooms to answer questions, conduct settlement discussions, and help the litigants narrow issues for hearing
- Greater Bakersfield Legal Assistance, Inc., prepares orders after hearing at the Superior Court of Kern County as part of an Equal Access Fund Partnership Grant. It has developed a video demonstrating the importance of having written orders after hearing and instructions on how to prepare them.
- Courts have also explored providing assistance to help SRLs understand the orders made in other types of cases. An example of one Kleps Award—winning program to help litigants understand how to comply with traffic orders was developed by the Superior Court of Fresno County and is called ACTION (After Criminal Traffic Infraction One-Stop Network) Center. 43
- California Rules of Court, rule 5.125, was adopted to provide a consistent approach and deadlines for preparing orders after hearing in family law cases.

"I had not taken care of my divorce for 3 years because of financial and lack of knowledge in procedures. [Staff] guided me through kindly and intelligently. Extremely helpful. Without it I would have probably just taken the paperwork home and put it aside 3 more years."

SRL Litigant

Current Status:

Practices and procedures to provide assistance over the life of the case are currently being developed throughout the state in family law. However, case management of other civil cases needs to be assessed and assistance provided in understanding, complying with, and enforcing orders and judgments once issued.

⁴³ ACTION Center: www.courts.ca.gov/2269.htm.

F. Administrative integration of self-help centers should be integrated within a county or region to the greatest extent possible.

Background:

Self-help centers are funded through a variety of sources. Without administrative creativity, this form of funding can result in "siloing" of programs, which can result in ineffective services for the public and the courts. For example, family law facilitators are funded through federal title IV-D child support enforcement dollars, which are matched by state funds. This reimbursement is limited to matters involving child support, spousal support enforcement, and health insurance. It does not cover assistance with custody, visitation, divorce, or the myriad other family law matters that are inherent to the child support issue. This piecemeal funding creates a fiscal isolation of child support in a way that is inconsistent with the more holistic statutory structure of family law and the resulting needs of the court and the public.

Law librarians and small claims advisors receive filing fees, which are diminishing as a result of fewer filings. Legal services agencies providing assistance in the courts have other funding requirements, such as the need to serve only low-income persons or only U.S. citizens. To address these basic functional problems, the SRL Task Force recommended and many courts have adopted the recommendation that they combine funding sources and provide a "one-stop self-help center," pooling all resources and ensuring cross-training of staff so that litigants can be assisted most effectively.

Implementation:

- Additional funding for court self-help centers in 2007 allowed meaningful expansion of the family law facilitators beyond title IV-D reimbursable tasks and enabled creation of the current statewide system of self-help centers in the trial courts.
- Small claims advisors and law libraries are integrated into many self-help centers.
- Legal aid agencies running self-help services work in collaboration with court self-help centers and have developed methods for addressing funding limitations to allow services for a much wider range of litigants than if the services were not offered in partnerships.

Current Status:

Administrative integration of court-based self-help has been largely accomplished due to the increased funding statewide.

Recommendation II: Support for Self-Help Services

A system of support should be developed at the state level to promote and assist in the creation, implementation, and operation of the self-help centers and to increase the efficient processing of cases involving self-represented litigants.

A. A resource library with materials for use by self-help centers in the local courts should be maintained by the Administrative Office of the Courts (now Judicial Council).

Background:

The SRL task force understood that sharing resources between self-help centers was the most effective way to spread best practices and the wide variety of resources that are continually being developed at the state and local levels. A website allows for quick updating and easy reference for materials, including instructional guides, brochures, translations, information packets, sample grant applications, partnership agreements, volunteer training materials, and a wide variety of administrative materials. These materials can be easily replicated or modified for use in other parts of the state.

Implementation:

An extensive set of resources has been developed on the California Courts website in a section titled Equal Access, found at www.courts.ca.gov/programs-equalaccess.htm. This site provides materials in the following areas:

- Background
- Program Management
- Service Delivery Models
- Self-Help Staff Resources
- Technological Resources
- Conferences & Trainings
- Research & Evaluation
- Pro Bono
- Instructional Materials
- Ethical Issues
- Language Materials & Resources
- Newsletters

Current Status:

Maintenance of this library so that it contains accurate and current materials is ongoing. Courts are asked annually to provide updates of materials and information from workshops, and website searches are regularly included in updates.

B. Technical assistance should be provided to the courts on implementation strategies.

Background:

The task force was concerned that courts be supported in their ongoing work to plan for and implement self-help services.

Implementation:

- The Judicial Council staff conducts an annual training conference for attorneys and staff of the court self-help centers. In addition to updates on substantive law, the conferences offer a variety of workshops on new ways to provide assistance.
- The Judicial Council also cosponsors a conference on family law each year with the Legal Aid Association of California. Focused on providing assistance to low-income litigants, the conference allows for highly relevant substantive law education as well as sharing of best practices and development of relationships between court-based self-help programs and legal aid organizations.
- Judicial Council staff attorneys have conducted numerous site visits to local courts to help address issues related to cases involving self-represented litigants.
- The Judicial Council has held statewide workshops on caseflow management in family law cases, and Judicial Council staff attorneys have conducted numerous site visits related to this issue.
- When funding first became available for self-help centers in each court in 2007, regional collaborations were also funded to allow local programs to share resources and referral protocols and to provide technical assistance to each other on addressing the needs in their communities. Although funding to support these efforts was eliminated in the budget crisis, regional groups are reemerging to share best practices and come up with creative ways to build technological solutions.
- The task force has prepared a document called *Effective Practices for Court Self-Help Centers*, which is available for use by centers to determine what practices they might consider in their operations.
- The Judicial Council became a founding member of the National Self-Represented Litigation Network. As part of that network, court staff had access to national resources and research on the most effective ways of serving self-represented litigants.

Current Status:

Technical assistance to the courts in implementing and adapting their self-help centers to address new issues and handle funding challenges is ongoing. Special emphasis has been

placed on helping the programs implement family law case management and develop supporting technology.

C. Funding should be sought for a telephone help-line service with access to Judicial Council staff attorneys to provide legal and other technical assistance to local self-help staff.

Background:

The task force believes that self-help center attorneys need access to legal support from attorneys with particular knowledge and experience in the wide array of issues handled in the centers. The most efficient way to provide this support appears to be in a centralized manner that could maximize the availability of these attorneys to as many courts as possible.

Implementation:

- Task force staff conducted a survey of telephone hotlines nationally; however, these were all services that dealt directly with the public. Given the volume of demand on the California self-help centers, the costs of providing direct service in this manner were prohibitive at the time of the study.
- Models of providing telephone assistance for Spanish language assistance and small claims services in rural counties was also explored but also deferred given the funding crisis facing the courts.
- Judicial Council staff attorneys have worked to provide technical assistance and legal guidance to the self-help centers whenever possible. A listserv has also been developed for self-help center staff to allow for posting of questions and sharing of resources. This listserv is well used and appears to be a useful resource for the programs.

Current Status:

This recommendation remains to be fully implemented.

D. The Judicial Council should serve as a central clearinghouse for translations and other materials in a variety of languages.

Background:

To address the issue of language access in the self-help centers, many local courts were translating a variety of materials. To avoid other courts' having to translate the same documents, the task force determined that the council should collect those resources and make them available for sharing.

Implementation:

- The Equal Access section of the Judicial Council's website contains a section with translations and self-help resources in a variety of languages. 44
- Most Judicial Council forms and instructional materials that would commonly be used by self-represented litigants are available in Spanish. All domestic violence forms and instructional materials are available in Vietnamese, Chinese, and Korean in addition to English and Spanish. Translations are made based on priorities established by a working group of court staff providing self-help and language access services.
- The Judicial Council's Online Self-Help Center has been completely translated into Spanish, housing over 4,000 pages of Spanish-language instructional material. The website is arranged so that if a person can find the information on the English page, he or she can click a flag on the page to see the same text in Spanish. This arrangement allows court staff to easily direct Spanish speakers to helpful content.
- Two of the model self-help programs are designed to address language access in the self-help centers. One (in Fresno) created a Spanish-speaking center, and the other (in San Francisco) created a multilingual center. The translations developed by the programs as well as information on the development and evaluation of those centers have been provided online and in training sessions.

Current Status:

Addressing matters of language access and the translation of materials is an ongoing issue.

E. The California Courts Online Self-Help Center should be expanded.

Background:

The task force was impressed with the development and use of the California Courts Online Self-Help Center and believed it should be expanded to the greatest extent possible.⁴⁶

- Since its implementation in 2002, the self-help website has grown from 400 pages to over 4,000 pages of content. The website contains basic legal and procedural information on a wide variety of topics including:
 - o Abuse & Harassment
 - o Appeals

⁴⁴ See the section entitled LEP [limited-English-proficiency] Resources, at www.courts.ca.gov/partners/53.htm.

⁴⁵ To read the evaluation of these programs and see resources that they developed, see *www.courts.ca.gov/partners/211.htm*.

⁴⁶ The website is found at www.courts.ca.gov/selfhelp.htm.

- o Criminal Law
- o Divorce or Separation
- Eviction & Housing
- o Families & Children
- Name Change
- Problems With Money
- Seniors & Conservatorship
- o Small Claims
- o Traffic
- Wills & Estates

Since its implementation in 2002, the self-help website has grown from 400 pages to over 4,000 pages of content in English and Spanish

- The entire website has been translated into Spanish. Some resources are available in additional languages.
- More than 4 million people use the website each year.
- Videos have been included on the website on a variety of topics, including basic law and procedures relating to unlawful detainers, civil harassment, small claims, child custody, guardianship, juvenile dependency, juvenile delinquency, domestic violence, and appeals.
- The website contains thousands of links to free, reputable legal information available online. For example, litigants seeking legal aid assistance are referred to Law Help California, which maintains an updated list of free legal aid. Many legal topic areas are made more robust with appropriate links to resources.
- An interactive map has been developed that allows litigants to find the self-help center closest to them and determine location, hours of operation, and other key facts as well as a link to that local court's self-help resources.
- Interactive forms have been developed to allow litigants to write demand letters required before filing small claims actions and letters to attorneys. They also contain and other resources to assist litigants in completing necessary documents and potentially avoiding litigation.

Current Status:

Updating and expanding the website is an ongoing project.

F. The Judicial Council should continue to simplify its forms and instructions.

Background:

The Judicial Council has worked to develop standardized forms that are more easily understood by litigants and people charged with enforcing the forms, such as police. The task force applauded those efforts and encouraged continued work to simplify forms. It

encouraged translation of those forms and the use of computer technology so forms to be completed online. It encouraged advisory committees to follow the Access Policy for Lowand Moderate-Income Persons, adopted by the Judicial Council on December 18, 2001, and to consider the impact of any proposed rules, forms, or procedures on low-income litigants, being especially mindful of the impact on self-represented litigants.⁴⁷

Implementation:

- All domestic violence, civil harassment, and elder abuse forms are in the plain language format, as are small claims, fee waiver, and adoption forms.
- In 2004 the Judicial Council forms on the website became fillable online, and in 2011 they became savable. Since 2012, new and amended forms include "smart form" features that assist self-represented litigants.
- The Judicial Council developed the new *Request for Order* (form FL-300). This form combines the former *Order to Show Cause* (form FL-300) and *Notice of Motion* (form FL-301) and the *Application for Order* (form FL-310) used in family law proceedings. This modification allows for the use of one consistent form and procedure for motion practice in family law.

The Judicial Council has created forms assistance programs with HotDocs for use in self-help centers and legal aid offices. The sets of forms complete all required forms for a case using a "TurboTax"-like approach in which people answer questions, and those answers are used to fill out the forms. Scores of programs have been developed for divorce, domestic violence, family law motions, guardianship, and conservatorship. These programs are now being adapted to allow their use by litigants completing the forms on their own.

- Effective 2013, the Judicial Council approved simplification of declaration of disclosure forms and revised the *Property Declaration* (form FL-160) to enable it to be used to comply with disclosure requirements as well as to describe and propose a division of property.
- All Judicial Council forms commonly used in family law and domestic violence
 proceedings have been translated into Spanish to assist litigants in understanding what
 written information to provide to the court and what the court has ordered. Domestic
 violence forms and instructions have also been translated into Chinese, Korean, and
 Vietnamese.

⁴⁷ Judicial Council's Access Policy for Low- and Moderate-Income Persons in California.

- Forms were developed to help low-income litigants who are unable to locate the opposing party in a family law matter to effectuate service by posting rather than publication. 48
- Appellate forms and instructions were developed to assist self-represented litigants with limited civil appeals.
- The Judicial Council has also adopted rules recognizing that many self-represented litigants have limited access to typewriters and computers. Rule 2.135 provides that courts may not reject a Judicial Council or local form for filing solely because it is handwritten or hand printed, or because that writing is in a color other than black or blue.

This recommendation is ongoing.

G. Technical training and assistance to local courts in the development and implementation of self-help technology on a countywide or regional basis should be continued.

Background:

The self-help centers need to be equipped with technology that will serve the public, facilitate self-help services, and increase staff efficiency. Technology can assist the growing number of self-represented litigants who are able to access assistance through web-based services, allowing self-help staff to focus efforts on those who need additional assistance. Self-help centers have used technology to expand services through videoconferencing, preparation of documents, use of remote interpreters, and connection to services.

- The California Courts Online Self-Help Center has continued development, expanding from an initial 400 pages to now over 4,000 pages of content to which local courts can easily link.
- In 2002, a Model Self-Help Pilot Program was funded in the Superior Court of Contra Costa County designed to focus on self-help technology. That program has built an interactive self-help website that complements the statewide website. It has developed videos, to which the statewide website links, with step-by-step explanations of how to complete forms.⁴⁹

⁴⁸ Application for Order for Publication or Posting (form FL-980), Order for Publication or Posting (FL-982), and Proof of Service by Posting (FL-985).

⁴⁹ See, for example, the video instructions found for family law forms on this page: www.courts.ca.gov/1230.htm.

- In 2003, the Superior Court of Orange County worked in collaboration with the Legal Aid Society of Orange County on the I-CAN! document assembly program and won a Kleps Award. ⁵⁰ A number of courts found this program, which was designed for persons with limited computer skills, to be helpful.
- The Superior Court of San Mateo County developed the EZLegalFile document assembly program and won a Kleps Award. 51 This program was used extensively by courts until the financial crisis struck.
- The SHARP self-help center, a Model Self-Help Pilot Project that provided service to multiple courts (in Butte, Glenn, and Tehama Counties), used videoconferencing to conduct workshops and supervise nonattorney staff. This project won a Kleps Award. The program made a number of presentations on its use of videoconferencing so that other courts could consider how to use it in their own courts.
- Interactive programs have been added to the website to assist in writing demand letters, to provide referral information, and to calculate amounts due under various statutes.
- The Superior Court of Monterey County received a Kleps Award for its Self-Help Online Workshop Registration program for its self-help center. ⁵³ Information about that program was disseminated, and other courts including the Superior Court of San Diego County now provide for online registration. ⁵⁴
- The Judicial Council developed the Domestic Violence Assistance Self-Help (DASH) program, which allows attorney supervision of requests for and responses to restraining orders, drafted in the community at multiple locations such as domestic violence shelters. Use of the DASH program allows attorneys to supervise nonattorneys to assist litigants at multiple locations electronically and significantly leverages attorney time. Similar programs have been developed for conservatorships, guardianships, and family law matters. These programs are made available at no charge to the litigants or the courts.

This recommendation is ongoing.

⁵⁰ I-CAN! (Interactive Community Assistance Network), Superior Court of Orange County (2003).

⁵¹ EZLegalFile, Superior Court of San Mateo County (2003).

⁵² SHARP Center, Superior Courts of Butte, Glenn, and Tehama Counties (2004–2005).

⁵³ Self-Help Online Workshop Registration, Superior Court of Monterey County (2008–2009).

⁵⁴ Online Workshop Reservation System, https://iflow.sdcourt.ca.gov/.

H. Support for increased availability of representation for low- and moderate-income individuals should be continued.

Background:

Although many litigants can be effectively served with legal and procedural information at self-help centers, others will need legal advice and limited or full-scope attorney representation. Since courts must maintain neutrality, it is critical that they partner with bar associations, legal aid organizations, and other agencies to ensure that a full continuum of legal assistance is available so that all litigants receive the services they need to effectively present and resolve their cases.

Implementation:

- The Judicial Council continues to administer Equal Access Fund grants, which are allocated through the State Bar's Legal Services Trust Fund Commission to legal services agencies. Ten percent of the funds are used for self-help programs in partnership with local courts. These funds were increased in 2005 when the Uniform Civil Fees and Standard Fee Schedule Act added a distribution of \$4.80 per filing fee to the Equal Access Fund. This fee has increased funding for legal services by over \$5 million per year since 2007.
- The State Bar and the Judicial Council have offered numerous workshops on limited-scope representation, also known as *unbundling*. The bar has worked with the Practising Law Institute to provide a three-hour online course at no charge to attorneys to encourage provision of limited-scope services, which are particularly helpful for clients with moderate incomes.
- Judicial education in family law includes information on limited-scope representation and the benefits to the court of having attorneys for a portion of the case. It is included in classes such as "Family Law Calendar Management."
- The Pro Bono Toolkit was developed by the task force in coordination with the California Commission on Access to Justice to provide guidance about ways judges can join with the Chief Justice to encourage pro bono service among attorneys consistent with the Code of Judicial Ethics. 55
- The Legislature has recognized the limitations of self-representation in some cases. The Sargent Shriver Civil Counsel Act (Assem. Bill 590 [Feuer]; Stats. 2009, ch. 457) provides funding for pilot projects that provide representation to low-income parties on critical legal issues affecting basic human needs. The legislation allows legal services organizations to expand representation in housing, child custody, domestic violence, guardianship, conservatorship, and elder abuse. Nine pilot programs have been

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⁵⁵ The *Pro Bono Toolkit* is found at www.courts.ca.gov/partners/56.htm.

established with this funding to provide services for low-income litigants in cases where the one side is represented and the other is not. An evaluation of the program considering the impact of representation on the parties, the court, and the community at large is under way and will be completed in 2016.⁵⁶

- In family law cases, the party with more resources can be ordered to pay the attorney fees for the other party. In response to the Elkins report, which indicated that this procedure could be simplified, the Legislature passed AB 939, which amended various sections of the Family Code to provide that the court must consider attorney fee awards when requested. The Judicial Council then adopted rule 5.427, effective January 1, 2012, setting out the process for obtaining an attorney's fee order. Judicial Council forms Supporting Declaration for Attorney's Fees and Costs Attachment (form FL-158) and Attorney's Fees and Costs Order Attachment (form FL-346) were adopted for use in requesting attorney's fees and drafting the court order for attorney's fees.
- The Judicial Council adopted forms and procedures for limited-scope representation in civil cases in addition to family cases.
- In 2012, the State Bar amended its rules regarding its Pro Bono Practice Program to allow attorneys who do not work for compensation, but who volunteer at court-based self-help centers, to receive the benefits of the program, including waiver of bar dues.
- Coordination is under way with State Bar staff to identify ways to improve mentoring opportunities for family law attorneys. The Family Law Executive Committee of the State Bar has developed training on fundamentals in family law and has more advanced trainings planned for 2014, which they are also making available by video to encourage more attorneys to pursue family law as a career.

Current Status:

This recommendation is ongoing.

I. Work with the State Bar in promoting access for self-represented litigants should be continued.

Background:

Ongoing cooperation with the State Bar will help support and promote the efforts of the courts to develop, implement, operate, and maintain court-based assistance to self-represented litigants. The courts should continue with their collaborative work with local bars. The court and the bar should work together to honor those who are working to assist self-represented litigants.

⁵⁶ For information about the Shriver project, see www.courts.ca.gov/15583.htm.

Implementation:

- Staff from the State Bar, Judicial Council, and Legal Aid Association of California meet regularly to work on collaborations to increase services for self-represented litigants. The organizations regularly coordinate on training events to provide in-person and online training for self-help staff.
- The LAAC and the California Commission on Access to Justice give awards annually to self-help center and other court staff for their work in increasing access to justice.
- The California Commission on Access to Justice, in collaboration with the Judicial Council and the California Judges Association, gives the Benjamin Aranda III Access to Justice Award each year to a judicial officer who is selected on the basis of his or her work on access to justice matters.

Current Status:

More work is needed to recognize those whose work is dedicated to access to justice issues.

J. Technical assistance related to self-represented litigants should be provided to courts that are developing collaborative justice strategies.

Background:

The task force believes that the principles of collaborative justice work well for many cases in which SRLs are involved. Drug court models have provided data demonstrating their efficacy to facilitate meaningful change in individuals who might otherwise repeatedly reoffend. Issues of addiction, abusive behavior, and mental health are not uncommon in family and juvenile law cases and are highly challenging for the court when there are no attorneys to manage their clients.

Implementation:

- Many of California's trial courts have implemented family drug courts, domestic violence courts, juvenile drug courts, and mental health courts.
- Staff provides technical assistance to courts on issues relating to self-represented litigants. A broad range of technical assistance and support is provided by staff to the Judicial Council's Collaborative Justice Courts Advisory Committee.

Current Status:

The work of the Judicial Council's Collaborative Justice Courts Advisory Committee is ongoing.

Recommendation III: Allocation of Existing Resources
Presiding judges and executive officers should consider the needs of selfrepresented litigants in allocating existing judicial and staff resources.

A. Judicial officers handling large numbers of cases involving self-represented litigants should be given high priority for allocation of support services.

Background:

The areas of civil litigation that involve high percentages of self-represented litigants have historically been underserved areas of court operations. The resources provided have not been proportionate to the volume of cases and proceedings. In reviewing the practices of courts throughout

the state, it became apparent to the task force that frequently the least experienced and sometimes the least knowledgeable judicial officers were given an assignment with a high population of self-represented litigants. Because self-represented litigants often lack a sophisticated understanding of the law, basic fairness dictates that the judicial officer hearing a matter without attorneys should possess a comprehensive knowledge of the law. The importance of assigning suitable and talented judicial officers and staff who possess the requisite

"We expanded our self-help centers as part of our budget reduction plan because the assistance they provide to litigants reduces the work of the court. Better prepared litigants and more complete papers minimize the workload for the courtroom as well as the clerk's office. Better prepared litigants and more complete paperwork mean fewer continuances and shorter hearings. More accurate and complete paperwork also reduces clerk's office staff needed to review paperwork for errors, review resubmitted papers, and to reschedule hearings continued because of incomplete paperwork."

> Alan Carlson, Court Executive Officer Orange Superior Court

energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated. Presiding judges must provide sufficient resources to allow judicial officers and staff to offer quality service to self-represented litigants. Such resources might include access to additional courtroom support staff, assignment to courtrooms with the largest available space, increased security, and self-help center attorneys available in the courtrooms to provide procedural assistance.

Implementation:

• Rule 10.960 requires courts to include in their annual budgets funding necessary for the operations of their self-help centers.

- Standard 5.30 of the California Standards of Judicial Administration directs the supervising family law judge, in consultation with the presiding judge, to work to ensure that the family court has adequate resources.
- Recommendations from the Elkins Family Law
 Task Force include making more court resources
 available to family law calendars and ensuring that
 judicial officers assigned to family law have the
 knowledge and experience to handle the numbers of
 SRL cases found there.
- The California Judicial Workload Assessment
 (which measures staff workload) has been updated,
 with an eye to more accurately measuring the full
 range of tasks involved in case processing, including time spent by self-help staff.

Courts save \$4.35 for every \$1 spent on workshops for self-represented litigants.

(The Benefits and Costs of Programs to Assist Self-Represented Litigants, J. Greacen, May 2009)

- The Guidelines for the Operations of Self-Help Centers in California Trial Courts includes in its list of services designed to support judges by providing readiness reviews, conducting case flow management and status conferences, and being present in the courtroom for calendars with large numbers of self-represented litigants to help them reach agreements, narrow issues, answer questions, and write up orders after hearing. (Guideline 15.)
- Local court self-help center staff are currently actively involved in developing their courts' caseflow management practices and procedures for family law under rule 5.83.
 Caseflow management allows more matters to be resolved and can circumvent the necessity of multiple hearings.

One-on-one self-help assistance saves one hearing per case.

(The Benefits and Costs of Programs to Assist Self-Represented Litigants, J. Greacen, May 2009)

- In collaboration with the Judicial Council's Access and Fairness Advisory Committee (now the Advisory Committee on Providing Access and Fairness), the SRL task force provided substantial input to the Trial Court Presiding Judges Advisory Committee on the updating of the publication *Making Judicial Assignments*. The committee incorporated most of the suggestions, many of which spoke specifically to handling matters involving self-represented litigants.
- Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers, was created which includes guidance for bench officers on calendar management and ways to obtain assistance in the courtroom.

- Many self-help centers provide assistance to write orders and judgments, allowing cases to be completed. Many provide assistance directly at the time of hearings.
- The Judicial Council's Center for Judiciary Education and Research (CJER) presented a *PJ/CEO Roundtable* broadcast entitled "Self-Represented Litigants in the California Courts" describing the need for highly skilled judges in cases with SRLs.

There has been substantial work on this recommendation; however, much more needs to be done, particularly with respect to assessment of volume and workload requirements for cases involving self-represented litigants.

B. Courts should continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders and works toward ongoing coordination of efforts.

Background:

The planning processes that the trial courts implemented have been enormously successful in helping to develop and implement court self-help centers. The task force found that the collaborative relationships built as part of those planning efforts enabled the most efficient use of court resources.

Implementation:

- SRL Guideline 8 advises that the self-help center staff should have regular meetings with representatives of community-based services. Worksheets were developed to assist the programs in identifying stakeholders and agenda items for planning discussions.⁵⁷
- The Judicial Council offers an annual conference, in partnership with LAAC and the State Bar of California, that allows those providing assistance to self-represented litigants to meet and share ideas. Workshops are designed to be of relevance to partners such as law librarians, interpreters, mediators, and small claims advisors, as well as to self-help and legal aid attorneys and staff.
- The Judicial Council was able to provide \$300,000 a year to support local court planning and collaboration efforts until the financial crisis hit. The collaborations forged among the courts and community justice partners during the early planning stages have continued in many cases.

⁵⁷ <u>Developing and Maintaining Court/Community Partnerships to Better Serve the Pro Se Litigant</u> and <u>Developing Relationships with Legal Services and Lawyer Referral Programs</u>.

Significant progress has been made on this recommendation. More opportunities for court and community service providers to meet face-to-face and discuss their work must be created. The planning process for self-help has been enormously successful in the development of the court self-help centers and in the creation of more progressive caseflow management processes and procedures. More planning is necessary to address topics such as court-based settlement assistance.

Recommendation IV: Judicial Branch Education

To increase the efficiency of the court and minimize unwarranted obstacles encountered by self-represented litigants, a judicial branch education program specifically designed to address issues involving self-represented litigants should be implemented.

A. A formal curriculum and education program should be developed to assist judicial officers and other court staff to serve the population of litigants who navigate the court without the benefit of counsel.

Background:

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (such as attorney services, paralegals, or legal secretaries). California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services.

Education should be developed to provide judicial officers, temporary judges, and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality.

Implementation:

Judicial Education

- A training curriculum was developed in conjunction with the national Self-Represented
 Litigation Network. The curriculum was piloted at the National Judicial Conference on
 Leadership, Education and Courtroom Best Practices in Self Represented Litigation, held
 at Harvard University and attended by a number of Judicial Council committee members
 and staff.
- This curriculum has been adapted for use in California and a teaching guide developed entitled *Handling Cases Involving Self-Represented Litigants: Change, Challenge, and Opportunity,* which includes a PowerPoint presentation and videos.

- Guidance on handling cases involving self-represented litigants has been included in a wide range of educational forums for judges, including being integrated into most case types in which self-represented litigants appear. Additionally, many stand-alone classes have been offered, including:
 - o "Ethics and Self-Represented Litigants in Domestic Violence cases"—a oneand-a-half-day interactive workshop that is offered every year
 - o "Handling Cases involving Self-Represented Litigants for Assigned Judges"
 - o "Handling Complex Property Issues with Self-Represented Litigants"
- The Judicial Council adopted rules regarding use of temporary (pro tem) judges, which include required training on handling cases with self-represented litigants. ⁵⁸ A training curriculum was developed to comply with this requirement.
- Workshops on handling cases involving self-represented litigants are now offered at every Judicial College.
- Information and role-plays to help judges handle cases with self-represented litigants are included in all New Judge Orientation courses.
- Programs have been presented at CJER's Appellate Institute to familiarize appellate courts with the education being provided to trial court judges on their ethical duties relating to self-represented litigants and to point out issues on appeal.
- Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers was prepared with guidance from over 70 judicial officers throughout the state as well as national experts.⁵⁹ It covers topics including ethics, solutions for evidentiary challenges, caseflow management, courtroom and hearing management, settling cases, communication tools, avoiding unintended bias, and judicial leadership in access to justice. It includes sample scripts and checklists developed by judicial officers. The benchguide received the Howell Heflin award from the State Justice Institute and has been adapted for national use.
- CJER developed the following online courses:
 - o Dealing with Self-Represented Litigants in Domestic Violence Family Law Cases
 - o Communicating With Self-Represented Litigants
 - Self-Represented Litigants 2: Special Challenges

⁵⁸ Cal. Rules of Court, rule 2.813(a)(3).

⁵⁹ See www.courts.ca.gov/documents/benchguide self rep litigants.pdf.

- o The Practical Judge: Communications with Self-Represented Litigants
- Standalone workshops on handling cases with self-represented litigants have been developed and offered in a wide variety of forums by Judicial Council committee members and staff at venues including national conferences of the American Judges Association and the Association of Family and Conciliation Courts.
- Articles to provide continuing education were written by Judicial Council task force
 members and staff and appeared in publications such as the American Bar Association's
 Judges' Journal, California Law Journal, Family Court Review, Family Law Quarterly,
 Contemporary Issues in Law, and Court Review, as well as in many State Bar
 publications.
- Video resources were developed for use in educational sessions for judges. Judicial Council committee members and staff participated in a research project of the national Self-Represented Litigation Network in which court hearings involving two self-represented litigants were videotaped in four jurisdictions throughout the United States. Each of the litigants and the judge were interviewed separately after the hearing. They were each shown a videotape of the other taken during the hearing and asked questions to determine the effectiveness of communication between the judge and litigants. The videotaped interviews were analyzed and then edited for judicial education. This project, one of the first of its kind, demonstrated that there can be a high level of understanding and suggested a number of best practices for judges to employ in their courtrooms to enhance communications. ⁶⁰
- Three regional workshops on caseflow management in family law with judges and court staff from 37 courts included information on special issues of handling cases involving self-represented litigants and provided participants with the ability to develop a local action plan to help these cases reach conclusion.
- The Judicial Council prepared a manual for courts, *Developing Effective Practices in Family Caseflow Management*, which includes a special focus on cases involving self-represented litigants.

Self-Help Center Staff Training

The Judicial Council has sponsored or cosponsored a conference focusing on education for self-help center staff each year. ⁶¹ For example, in 2014 more than 30 workshops were offered on cutting-edge issues in law as well as new delivery systems, including use of mobile

⁶⁰ Greacen Associates, LLC, on behalf of the Self-Represented Litigation Network, <u>Effectiveness of Courtroom Communication in Hearings Involving Two Self-Represented Litigants</u>: An exploratory study (April 2008).

⁶¹ Materials from the conferences are posted online at www.courts.ca.gov/partners/50.htm.

devices. Materials from the conferences are posted online and are also integrated into the Equal Access website.

The Judicial Council sponsors the AB 1058 conference every year for family law facilitators. The conference provides extensive education on child support and other legal topics, as well as workshops on ethics and promising practices.

The Judicial Council partners with the Legal Aid Association of California to provide self-help center attorneys and staff with free webinars on a variety of legal topics. A monthly alert listing free training opportunities is provided to self-help center staff.

Current Status:

Judicial branch education on matters involving self-represented litigants and their cases is ongoing.

B. The AOC should provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.

Background:

Court clerks are now encouraged to answer questions for the public and not just give a blanket response of being unable to give legal advice. Particular attention should be given to continuing and expanding the training and education of court clerks. The information provided to the public should be reliable and of high quality. If clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided.

Implementation:

- The Judicial Council created a guide entitled May I Help You? Legal Advice v. Legal Information: A Resource Guide for Court Clerks. 62
- Three broadcasts were prepared by CJER entitled "May I Help You: Legal Advice v. Legal Information" and are shown regularly to court clerks (May I Help You I, II, and III). The focus is on helping SRLs and finding good resources for assistance.
- The Judicial Council adopted *Court Clerks Office: Signage* (form MC-800), which lists the type of information a clerk can and cannot provide. ⁶³

⁶³ See www.courts.ca.gov/documents/mc800.pdf.

⁶² See www.courts.ca.gov/mayihelpyou.pdf.

- SHC Guidelines 33 and 34 address the need for the nonattorney staff in the self-help centers to train in customer service and self-help center operations and procedures, as well as continuing education in the law.
- The Court Clerk Training Institute has included workshops on self-represented litigants as well as substantive procedural legal issues.
- Information on providing assistance to self-represented litigants has been integrated into a wide variety of courses for clerks, in person, online, and by broadcast.
- CJER has provided many online, in person, and broadcast classes on the law; new forms
 and procedures; and training modules in a wide variety of procedures, including family
 law and domestic violence. Following significant changes to forms and procedures, CJER
 will generally present a broadcast for clerks on those changes, in addition to updating
 existing materials.
- Brochures and posters providing information on the California Courts Online Self-Help Center have been provided to all courts, and clerks are encouraged to review the website and use those materials to provide referrals to court customers if they do not know the answer to the questions or do not have sufficient time to answer those questions.

This recommendation is ongoing.

C. The Judicial Council, in consultation with the California Judges Association, should provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.

Background:

Judges are often concerned about the nature and extent of information they may impart to SRLs without compromising their neutrality, or appearance of neutrality. Judges need additional guidance to decide what measures can be taken to protect constitutional safeguards for all litigants without compromising judicial impartiality.

Implementation:

• The California Code of Judicial Ethics was modified to address the issue of handling cases with self-represented litigants. Canon 3B(8) provides that "[a] judge shall dispose of all judicial matters fairly, promptly and efficiently. A judge shall manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law." Commentary now notes: "The obligation of a judge to dispose of matters promptly and efficiently must not take precedence over the judge's obligation to dispose of the matters fairly and with patience. For example,

when a litigant is self-represented, a judge has the discretion to take reasonable steps, appropriate under the circumstances and consistent with the law and the canons, to enable the litigant to be heard..."

- In *Handling Cases Involving Self-Represented Litigants: A Benchguide for Judicial Officers*, chapters 2–4 address issues of judicial ethics when dealing with SRLs. Chapter 3 sets out California law applicable to a judge's ethical duties in dealing with self-represented litigants.
- CJER has included issues relating to self-represented litigants in its annual qualifying ethics courses.
- CJER has also developed online ethics courses, "Communicating with Self-Represented Litigants" and "Self-Represented Litigants: Special Challenges."
- CJER has offered a number of workshops for judicial officers on the ethics of handling cases involving self-represented litigants.
- The Commission on Judicial Performance has issued a number of opinions relating to judges' handling of cases involving self-represented litigants. These opinions provide additional guidance for judicial officers.
- The American Bar Association *Model Code of Judicial Conduct* has added comment #4 to rule 2.2, Impartiality and Fairness, requiring a judge to uphold and apply the law and perform all duties of judicial office fairly and impartially. Comment #4 states: "It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard."

Current Status:

This recommendation is ongoing.

Recommendation V: Public and Intergovernmental Education and Outreach Judicial officers and other appropriate court staff should engage in community outreach and education programs designed to foster realistic expectations about how the courts work.

A. The Judicial Council should continue to develop informational materials and explore models to explain the judicial system to the public.

Background:

All too often the public forms its impressions and acquires its knowledge of the legal system based solely on how it is portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately

anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education. Existing communication modes should be employed to better inform Californians about their courts. Development of educational materials describing court processes should be expanded. A law-related educational website should be developed for elementary school, middle school, and high school students. Programs such as Spanish-language radio programs should be encouraged to expand outreach to traditionally underserved communities.

- The redesign of the California Courts Online Self-Help Center has incorporated additional content regarding a wide variety of proceedings where litigants may represent themselves. More than 4,000 pages of information are available in English and Spanish on the website. Educational videos on a variety of topics including how to prepare for court have been uploaded to the California Courts YouTube channel. This site receives over 4 million visits annually. Posters and brochures are provided to the courts to alert court users to the availability of this resource. Buttons with links are also provided to the courts to make it easy for them to connect directly to the website.
- Websites were developed for parents, teenagers, and children in families going through separation and divorce. These websites include a three-hour online parenting class which utilizes videos and online quizzes and other interactive tools to provide critical information to parents. These websites are found at www.familieschange.ca.gov and www.changeville.ca.gov. Posters and brochures have been provided to the courts to allow them to make easy referrals to those resources.
- The Judicial Council adopted a number of information forms for the public. *Information Sheet for Request for Order* (form FL-300-INFO) sets out instructions on how to make a request for an order. Forms FL-313-INFO and FL-314-INFO provide information about child custody mediation and recommending counseling. Further, *Attorney for Child in a Family Law Case—Information Sheet* (form FL-321-INFO) provides information to the parties about minor's counsel.
- The Judicial Council has created a number of videos to help litigants understand court processes. These videos include orientations to juvenile dependency and juvenile delinquency courts. Videos have been developed regarding resolving unlawful detainer cases, civil harassment cases, and small claims cases, which provide information on both substantive law and mediation options. These videos are available in English, Spanish, and Russian. Counsel staff has also adapted videos produced by local courts for statewide web usage. Topics include guardianship, appeals, family law, evidence, and court appearances.
- In 2012 the Judicial Council adopted rule 5.83(g), which requires that courts provide information about the court process, as well as other orientation information, to litigants

at the time of the initiation of their case. *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) was adopted to allow the courts to easily comply with that requirement.

• A 30-minute orientation video entitled *Orientation to Family Court Mediation and Child Custody Recommending Counseling* has been created to educate litigants about the child custody mediation and court process. This video has been captioned in English, Spanish, Chinese, Korean, and Vietnamese; distributed to all courts; and posted online to allow parents to access this information in a timely manner and be prepared for their mediation meeting at family court services.

Current Status:

This recommendation is ongoing.

B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants should be increased.

Background:

The task force recommended that materials be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to the services available to them.

- The Judicial Council has prepared the following reports to the Legislature on services provided by self-help centers and the benefits demonstrated to the public by those centers:
 - o Family Law Information Centers: A Report of Three Pilot Programs 64
 - Equal Access Fund: A Report to the California Legislature, March 2005⁶⁵
 - o Model Self-Help Pilot Program: A Report to the Legislature, March 2005⁶⁶
- Legislative staff participated in the Elkins Family Law Task Force and the Elkins Family Law Implementation Task Force as well as the Sargent Shriver Civil Counsel Act Implementation Committee.
- Many local courts have developed informational packages to share with their elected representatives. Self-help centers are generally part of a legislative tour of any court facility because of the interest of the legislator's constituents in these services.

⁶⁴ See www.courts.ca.gov/documents/Family-Law-Information-Centers-March-2003.pdf.

⁶⁵ See www.courts.ca.gov/documents/Equal-Access-Fund-March-2005.pdf.

⁶⁶ See www.courts.ca.gov/documents/Self-Help_full.pdf.

• The Legislative Analyst's Office (LAO) was hosted at informational meetings at six courts during the summer of 2014. The goal of the meetings was to explore the depth and variety of court-based services available to self-represented litigants. LAO staff visited the Superior Courts of Butte, Contra Costa, Los Angeles, Orange, Placer, and Santa Clara Counties. They had an opportunity to observe services being provided and to ask questions of service providers and litigants about the nature of the help they offer and the needs of the public. Judicial Council staff provided a variety of court-based materials for LAO to use to prepare a report for legislators to better understand the needs of self-represented litigants and the capacity and lengths to which the courts provide services to support them.

Current Status:

This recommendation is ongoing.

C. Local courts should be encouraged to strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.

Background:

The California justice structure represents a continuum of effort, beginning many times with an officer on the street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice, both in practice and in perception, must be instilled. A law enforcement agency can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement staff about problems they are experiencing enforcing court orders in the field.

Additionally, local bar associations, law libraries, and other appropriate governmental and community groups should be consulted regularly to share information on the needs of self-represented litigants and the services available to them. All participants in the justice community have valuable information that should be shared to the greatest extent possible.

Implementation:

• The California Courts Protective Order Registry (CCPOR) is providing statewide access to protective orders made in California. Hence, a judge in one court can see if any other restraining orders are in effect elsewhere that might conflict with the matter before the court. Police officers are able to see the image of the complete order so that all the information is available to them; it is not limited to the California Restraining and

Protective Order System (CARPOS) data. Most of the trial courts in California have forged agreements with their local law enforcement agencies to enter data from restraining orders into CARPOS. Once an order is entered by the court, it is given to law enforcement, which enters the data into CARPOS.

- In progress is the FACCTS/CCPOR Interface Project. The Family Court Case Tracking System (FACCTS) is an application that produces a restraining order after a hearing on Judicial Council forms and a minute order—in real time. The program makes a PDF of the Judicial Council form to be printed for the litigants. The image of the order is automatically posted to CCPOR, and information from the order populates the CCPOR database for delivery to CARPOS. This process significantly decreases the workload necessitated by repeated input of the same data into different systems. Both the court and law enforcement benefit by this work reduction.
- Many family law facilitators and self-help attorneys have gone to jails and prisons to provide assistance to inmates on matters of child support obligations, custody, and/or visitation. For example, the Superior Court of Marin County regularly sends a family law facilitator to San Quentin State Prison to provide assistance. Other courts have partnered with the public defender's office to get information to defendants about child support modification due to incarceration. Family law facilitators and self-help centers respond to inquiries made by mail or e-mail from inmates.
- Local family law facilitators work collaboratively with local offices of the Department of Child Support Services (DCSS) on joint projects such as the San Francisco EPIC project that reached out to obligors in an effort to reduce the number of default judgments.
- Judicial Council attorneys, child support commissioners, family law facilitators, and DCSS attorneys participate in a stakeholders team that meets regularly to identify and solve problems with the AB 1058 child support system.
- In some courts, DCSS attorneys or family law facilitators are present at juvenile dependency proceedings so that the issue of child support can be addressed without multiple court appearances.
- Some courts have partnered with their local 211 lines, which provide information to the public about available nonprofit community services. The Superior Court of Sacramento County locates a staff person from the 211 line at the self-help center. Los Angeles has converted public telephone booths near the self-help center at one courthouse to call directly to 211.
- Courts work collaboratively with the Department of Social Services (DSS) on cases in family court involving allegations of child abuse. The Superior Court of Orange County has staff from DSS housed on site at the court.

• The Superior Court of Imperial County developed the Binational Justice Project, which partnered the family law facilitator with the Mexican court to address common issues with regard to family law cases. This project won a Kleps Award. ⁶⁷

Current Status:

These and other projects involved with the exchange of data between the court and other government or community groups are ongoing.

D. The Judicial Council should continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians, and other statewide entities in public outreach efforts.

Background:

Local courts have done tremendous work in reaching out to stakeholders in their communities to provide information on services available in their local courts. Statewide coordination is also important to allow for sharing of common resources and building of statewide support for the courts and services for self-represented litigants. Coordination efforts among the Judicial Council, State Bar of California, LAAC, California Commission on Access to Justice, Council of California County Law Librarians, and other organizations (including those representing law schools, public libraries, social services agencies, and diverse community groups) are critical to distributing information about statewide efforts and to supporting the work of local courts.

- Annual Family Law Conference cosponsored by the Judicial Council and LAAC
- Self-Represented Litigants Conference cosponsored by LAAC and the State Bar of California designed for training and education of attorneys—both court attorneys and legal aid attorneys—on substantive law and ethical issues
- Participation of judicial branch appointees to the State Bar's Legal Services Trust Fund Commission, which administers the Equal Access Fund from the Judicial Council to legal services
- Statewide support for JusticeCorps, which brings together local courts and universities using AmeriCorps funding to enable college students to provide 300 hours of volunteer service in court-based self-help programs under the direction of attorneys

⁶⁷ <u>Binational Justice Project</u>, Superior Court of Imperial County (2008–2009).

These projects are ongoing, with new programs developing over time.

E. Local courts should be encouraged to identify and reach out to existing efforts to better serve self-represented litigants.

Background:

The task force is mindful of the need for judicial officers and courts to uphold the integrity and independence of the judiciary but believes that local courts can work closely with appropriate partners without creating any appearance of partiality. Law librarians are an apt example of an appropriate court partner. Given the limited resources dedicated to SRL assistance, it seems important to avoid duplication of service to the greatest extent possible.

Implementation:

- The Superior Court of Alameda County participates in a Community Projects Committee conducted by the Alameda County Bar Association. In addition to court self-help attorneys, the committee includes attorneys from the various East Bay legal services such as the East Bay Community Law Center, Bay Area Lega Aidl, the Volunteer Legal Services Program, Legal Assistance for Seniors, and the Family Violence Law Center. These groups attempt to support each other and avoid competing for funding as much as possible.
- The Superior Court of Los Angeles County has structured its urban collaborative model for self-help based on collaboration with existing services. The court self-help center partners with the Los Angeles Law Library and the Department of Consumer Affairs, as well as many legal services agencies, including Neighborhood Legal Services of Los Angeles County, Legal Aid Foundation of Los Angeles, Bet Tzedek Legal Services, the Los Angeles Center for Law and Justice, Public Counsel, and Community Legal Services of Los Angeles.
- In many courts, the local small claims advisor service has become a part of the self-help center. Statewide self-help conferences are designed to include at least one full day of education specifically for small claims advisors.
- Many courts partner with local law libraries to provide services for self-represented litigants. For example, the self-help centers in El Dorado, Kern, Nevada, and Placer Counties are located in law libraries. Other law libraries, such as in Contra Costa and Los Angeles, offer many workshops designed for self-represented litigants.

Current Status:

This recommendation is ongoing.

Recommendation VI: Facilities

Space in court facilities should be made available to promote optimal management of cases involving self-represented litigants and to allow for effective provision of self-help services to the public.

A. Court facilities plans developed by Judicial Council staff should include space for self-help centers near the clerks' offices in designs for future courthouse facilities or remodeling of existing facilities.

Background:

Evaluations demonstrated that self-help centers are much more effective when located in a courthouse rather than in a separate location. Fewer people tend to use an off-site center, judges cannot make effective referrals from courtrooms, and litigants tend to misassemble paperwork, which leads to repeat tasks. Participation of self-help center staff in caseflow management is reduced by lack of physical availability, and security at the self-help center can become a serious issue.

Most courthouses were designed before the advent of self-help services, and adequate space for services has been a challenge. Self-help centers are most effective when they are located near clerks' offices to minimize misplaced papers before filing. Self-represented litigants need space to sit and work on their paperwork. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources should be available in the self-help centers for self-represented litigants to use.

Further, SRLs also simply need to know how to physically navigate the courthouse so they can easily find a particular courtroom, the self-help center, or other court services they may require. Courts should periodically assess how easy it is for court users to get around a courthouse.

- Tour Guide was developed in conjunction with the Self-Represented Litigation Network
 as a checklist to enable court staff to tour their courthouse from the perspective of a selfrepresented litigant.⁶⁸
- SHC Guidelines state that "[a]s with other core court functions, the court self-help center should be located in the courthouse and seek to meet two critical objectives: (1) ease of use for the public, and (2) efficient use of staff." (Guideline 3.)

⁶⁸ Tour Guide explains how to observe the courthouse and court processes from the point of view of a self-represented litigant.

• Task force members and staff met with the Judicial Council's Real Estate and Facilities Management staff to set out facilities needs for the self-help centers in new courthouse construction or remodeling of existing structures. Many of their suggestions were included in section 7.2 of *California Trial Court Facilities Standards*, 2010 edition. Over the past 10 years, courthouse facilities for self-help centers have improved significantly, with most self-help centers having room to meet individually with litigants or to conduct workshops of between 10 and 20 persons.

Current Status:

This recommendation will be ongoing as courthouse upgrades and construction move forward.

B. Facilities should include sufficient space for litigants to conduct business at the clerk's office

Background:

The public is often required to wait for significant periods of time for their turn to talk to a court clerk or to enter the self-help center. Litigants standing in long lines for long periods of time are often tired, uncomfortable, and frustrated before they even talk to court staff. The pressure on court staff of facing long lines of tired, unhappy people can evoke anxiety, guilt, and frustration and if prolonged can lead to a lack of empathy toward the public. To make matters even more challenging, if the people in line are self-represented litigants, chances are good that they will not have accurate and complete paperwork and will be required to go fix it—then get back in line. If the press of business makes overcrowding in the clerk's office unavoidable, then attention needs to be paid to how the situation can be made most comfortable for the public and for court staff. Waiting areas for clerks' offices can help reduce tension for everyone. A waiting room could contain informational materials, charts, flowcharts, and other things that might help individuals learn more about the process before they actually get to the clerk's window. Space to work on documents should be available, as well as places to sit down and wait.

- The Superior Courts of Orange and Placer Counties use automated triage systems that allow the public who are waiting to sit down while they wait and come to the window only when their case is called by the clerk. The cases are sorted into broad categories by case type and type of assistance needed, such as forms, copies from court files, or assistance from the self-help center.
- Several courts, such as the Superior Courts of Monterey and San Diego Counties, have implemented an online appointment system that allows self-represented litigants to schedule themselves into workshops on a variety of subjects.

- Other courts have staffed telephone help lines. For example, the Superior Court of Alameda County provides dedicated telephone assistance hours four afternoons per week. Two self-help center paralegals staff these two lines. Use of the telephone system has helped cut down foot traffic at the courthouse. The SHARP self-help program in Butte and Tehama Counties handles over 1,000 calls per month, cutting down on the need for litigants to come in person to the centers, which have limited space.
- The Superior Court of Sacramento County provides a great deal of assistance by e-mail. This service also cuts down on the foot traffic at the courthouse and allows litigants to get assistance without losing time at work.

This is an area that is undergoing significant change as a result of layoffs of court staff. Technological solutions can be helpful to reduce the negative impacts of increased wait times.

C. Facilities should include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.

Background:

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if courtrooms have insufficient space or the space is overcrowded and the litigants are forced to wait in hallways without the support of courtroom staff. This scenario is particularly dangerous when there have been domestic violence incidents in the case.

The task force was concerned to hear reports of litigants stuffed into small courtrooms requiring many of them to stand while they wait for their hearing to be called. This sort of overcrowding can create situations in which parties who are already anxious about their hearings get increasingly upset before their case is called. It can also lead to higher levels of animus toward the other party or attorney, or the court

Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys, interpreters, or social services providers. Of concern to the task force were reports of staff needing to conduct confidential mediations with parties in hallways or stairwells.

Implementation:

• Architects from the Judicial Council's Real Estate and Facilities Management participated in a number of meetings with representatives of the task force to discuss these issues. Recommendations regarding the need for space for settlement and services

are included in chapter 7 of the *California Trial Court Facilities Standards* as amended in March 2010.⁶⁹

Courts have improvised in various ways to address these problems. For example, courts
are using witness rooms or jury rooms to conduct mediations and other settlement
discussions.

Current Status:

There has been significant effort to improve facilities to better serve self-represented litigants, but more work is needed on this recommendation.

D. Facilities should include children's waiting rooms for the children of litigants who are at the court for hearings or to prepare and file paperwork.

Background:

Litigants are often forced to bring children with them to the courthouse. Lack of funds or available child care is a common problem. Litigants are unable to supervise young children and also pay attention to instructions given to them by court staff. Without appropriate accommodations, children run unsupervised in the halls of the courthouse while litigants are trying to work on paperwork. Most self-help centers do not allow children in workshops in order to prevent disruptions for workshop attendees.

The problem is also found in courtrooms at the time of hearings. Children are not allowed in the courtrooms in many family law departments. For parents to effectively participate in their hearing and take care of their children at the same time is nearly impossible. Again, this creates frustration for litigants and increases the burden on court staff.

- Many courts now have children's waiting rooms. Examples include the Superior Courts of Alameda, Fresno, Los Angeles, Orange, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Sonoma, and Ventura Counties.
- California Standards of Judicial Administration, standard 10.24, requires that new courthouse construction include a children's waiting room.
- The Judicial Council has approved a new protocol for distributing funds for children's waiting rooms
- <u>California Trial Court Facilities Standards</u> includes recommendations regarding children's waiting rooms.⁷⁰

⁶⁹ Judicial Council of Cal., Off. of Ct. Constr. and Mgmt., <u>California Trial Court Facilities Standards</u> (adopted in 2006, amended in March 2010), best practices that are applied to the design and construction of basic components of trial court buildings.

This recommendation is well under way and ongoing.

E. Information stations that provide general information about court facilities and services should be placed near courthouse entrances.

Background:

The task force was concerned about members of the public, particularly self-represented litigants, wandering around the courthouse frustrated because they could not figure out where in the building to go for which purpose. It found that information stations situated near entrances have proven to be very helpful to litigants in navigating their way around the court. The task force recommended that bilingual staff should be available whenever possible—an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired locations and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available. Kiosks with general information about the court can be most useful when staff is unavailable.

Implementation:

- Most courts have put on their local websites general information about how the courthouse is organized physically and where to go for what services.
- Many courts have also established either information booths or information kiosks at the
 entry to the courthouse. For example, the Superior Court of Los Angeles County has a
 kiosk people can use to find out where they should be going. Other courts—such as the
 Superior Courts of Alameda, Sacramento, and Tulare Counties—have information
 booths.

Current Status:

Significant progress has been made on this recommendation, but additional work is required. It is ongoing.

F. Maps and signage in several languages should be provided to help self-represented litigants find their way around the courthouse.

Background:

Concerns of the task force about the public's ability to navigate the courthouse are mirrored in this recommendation. Signs, maps, and floor plan charts have all proved useful to the public for providing information about how to use the courthouse and should be translated

⁷⁰ Judicial Council of Cal., Off. of Ct. Constr. and Mgmt., *supra*.

into several languages. Universal signage should be developed to help litigants find common services, such as a self-help center.

Implementation:

• Local courts have developed maps and signage based on the physical designs of their courthouses. Judicial Council staff has provided to courts samples of posters, templates, and other materials to assist them in developing local resources.

Current Status:

There is improvement locally on this issue, but more work needs to be done to develop universal signage.

Recommendation VII: Fiscal Impact

In addressing the critical need of courts to effectively manage cases involving self-represented litigants and to provide maximum access to justice for the public, continued exploration and pursuit of stable funding strategies is required.

A. Continued stable funding should be sought to expand successful existing programs statewide.

Background:

At the time the *Statewide Action Plan for Serving Self-Represented Litigants* was drafted, the only stable statewide funding for court-based self-help was the AB 1058 funding for the family law facilitator. That funding was limited to child support—related issues only. Although many courts were contributing funding from their local trial court budgets, the task force clearly saw that additional stable statewide funding was also necessary. Until adequate and stable funding is included in the judicial branch's appropriation, self-represented litigants throughout the state will have no assurance of equal access to justice. Regrettably, access to justice presently often depends on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants.

- The Budget Act for fiscal year 2005–2006 called on the Judicial Council to allocate up to \$5 million for self-help services and required a report on the implementation of the programs in 2006–2007. A report to the Legislature, *California Courts Self-Help Centers*, was made in June of 2007.
- The Judicial Council allocated \$2.5 million in the first year (2005–2006)
- In 2006–2007 a survey of courts was conducted by the Judicial Council to assess the funding needs for fully staffed, civil self-help centers in the courts. The consolidated total yearly budget was \$47,992,268.

- In 2006–2007, expanding the self-help centers was one of three top priorities in the judicial branch budget. Some \$3.7 million was allocated from the Trial Court Trust Fund and \$5 million from the Trial Court Improvement Fund, totaling \$8.7 million for the statewide expansion of the court self-help centers.
- Currently, in addition to the AB 1058 funding for the family law facilitator, statewide funding for self-help centers in the courts is \$11,200,000 yearly.
- Family Law Facilitator funds were increased to \$15,040,301.
- Local courts also continue to fund self-help services from their local budgets.

The fiscal crisis in the court has caused local courts to pull back some of the self-help center funding they had been contributing. The self-help centers are overcrowded with no way to grow. So, this recommendation in ongoing and needs more work.

B. The Judicial Council should identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.

Background:

The task force has always been mindful of the fiscal circumstances in California and recognized the need for a thoughtful and cost-effective plan for continued and future funding. The task force worked to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. Existing operational data should be used whenever possible, and any additional data requirement should be coordinated in a manner likely to cause the least burden on the local courts. Additional data regarding the need for services could be obtained from social services and community agencies and representatives.

- A survey of trial courts was conducted in 2007 to collect their assessment of the funding needed for full-service civil self-help centers. This information was crucial in the Judicial Council's determination to allocate an additional \$11.2 million in funding for self-help centers.
- The Family Law Resource Guidelines, Guide 4, sets out effective practices identified by subject-matter experts from the courts on the topic of assistance to self-represented

litigants. It then reports on the research done to assess the resource implications of those practices.

- The SHC Guidelines (Guideline 19) require routine evaluation of services to the public and recommend a minimum of quarterly reports on self-help center operations. Court self-help centers have been providing reports to the Judicial Council since the funding began in 2007. These reports are used to provide data to the Judicial Council and Legislature regarding services provided as well as unmet needs.
- Family law facilitators and self-help programs that are part of the facilitator's office are also required to place operational data into the Family Law Facilitator Electronic Database. This data is used to indicate the need for the service with the Department of Child Support Services and has been used to increase the funding for the family law facilitator program.
- Efficacy data has been collected and reported in the evaluations of the Family Law Information Centers, Equal Access Fund Partnership Grant programs, and Model Self-Help Pilot Programs. That data was instrumental in determinations to continue funding those programs in times of severe fiscal challenges.
- Costs and benefits to the courts and litigants of providing self-help services were studied in six courts in the San Joaquin Valley. ⁷¹ Information on the results was widely disseminated, and the data collection tools and protocols were shared with all the courts.
- The Sargent Shriver Civil Counsel Pilot Program is conducting a legislatively mandated research project that will include analysis of the benefits and costs of providing representation and expanded court services for those persons who remain self-represented. It will review unmet needs and the impact of provision of legal services on other social services and governmental agencies. This evaluation will be provided to the Legislature in January 2015.
- A set of "dashboard measures" of fundamental family law statistics has been defined to help courts establish baseline measurements that can then be used to identify caseflow areas meriting further attention. Once implemented, these measurements inform and guide the courts in monitoring, evaluating, and improving their performance in the specific measured areas or outcomes, as well as in assessing the effects of various caseflow adjustments. The measures are currently being pilot tested using case management system data from several courts throughout the state.

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⁷¹ Judicial Council of Cal., Center for Families, Children & Cts., <u>The Benefits and Costs of Programs to Assist Self-Represented Litigants: Results from Limited Data Gathering Conducted by Six Trial Courts in California's San Joaquin Valley (May 2009; prepared by John Greacen, Greacen Associates, LLC).</u>

Much work has been done on this recommendation, but more is required

C. Standardized methodologies to measure and report the impact of self-help efforts should continue to be developed.

Background:

Uniform definitions of terms must be established to allow for valid comparisons. New tools must be designed and implemented to capture efficacy data. Standard and periodic exit surveys or customer satisfaction inquiries should be considered throughout the state. These results would not only gauge success of a particular program, but they would also be useful in determining the relative effectiveness of individual parts of a program as compared with other services. A method should be crafted by which the impact of the self-help centers in expediting cases may be assessed. Examples of possible tools include review of court operations data, judicial surveys, and surveys of court staff. The effectiveness of computer and web-based self-help programs should be studied. Quality, not just quantity, of service must be calculated in the evaluation.

Implementation:

- Uniform demographic categories used in FLFED and SHC Guideline 19 reports provide statewide data on the users of self-help centers.
- Volume and other basic accounting data are largely measured in the same manner in FLFED and the SHC quarterly reports.
- Efficacy data has been reported in the evaluations of the Equal Access Fund Partnership Grants and the Model Self-Help Pilot Programs, including customer satisfaction data.
- Efficacy data was also provided in the evaluation of the Family Law Information Centers, including data on customer satisfaction and judicial satisfaction.
- The "dashboard measures" for family law, from the final report of the Elkins Family Law Task Force, attempt to set uniform basic guidelines for family court operational data for management reports.
- A toolkit for assessing the effectiveness of self-help services has been developed to allow local courts to evaluate their own programs. Workshops have been conducted to explain how to use these tools, for courts wishing to implement them.⁷²

⁷² These evaluation tools are on the California Courts Equal Access web page in the section on research and evaluation, *www.courts.ca.gov/partners/143.htm*.

• The National Center for State Courts has developed a recommendation for a way to count and report the representation status of a litigant in a case. This information has been distributed nationally to encourage consistent information.⁷³

Current Status:

Although some work has been done, much more is required. For example, the Judicial Branch Statistical Information System (JBSIS) is unable to assess the number of civil litigants who file cases without attorneys. Further, the ability to assess the quality and impact of service has been highly challenging because of the complexity of many SRL cases.

D. Uniform standards for self-help centers should be established to facilitate budget analysis.

Background:

The SRL task force felt that there should be a basic set of minimum standards for the operation of the court self-help centers. Criteria should include minimum staffing levels and qualifications, facilities requirements, referral systems, levels of service provided, and hours of operation. These standards should be incorporated into the development of uniform definitions of terms for the purpose of gathering meaningful data. The standards should be used to assist the courts in establishing a baseline for funding for self-help activities to assure equal access to core self-help assistance throughout the state.

Implementation:

• The Guidelines for the Operation of Self-Help Centers in California Trial Courts (2008 and reaffirmed in 2011) set out the minimum basic standards for court self-help centers. This document has gone through two review periods to date.

Current Status:

While regular review of the standards is helpful to ensure that they reflect newest advances in services, this recommendation is completed.

E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers should be supported and encouraged.

Background:

The task force recognized that self-help services are often a great help to constituents of local government officials. This partnership between local governments and the courts can be very helpful for the public.

⁷³ See www.courtstatistics.org/Other-Pages/SRL Main.aspx.

Implementation:

- The court self-help centers of the Superior Court of Los Angeles County have forged partnerships with a number of other groups. For example, several of the court self-help centers are funded by the Department of Consumer Affairs and operated by Neighborhood Legal Services, the Legal Aid Foundation of Los Angeles and the Legal Aid Society of Orange County, which provides services in southern Los Angeles.
- The Superior Courts of Placer and Santa Clara Counties were able to secure grants from Proposition 10 funding for work on cases involving young children.

Current Status

This recommendation is ongoing.

F. Coordination of efforts among programs assisting self-represented litigants should be stressed to maximize services and avoid duplication.

Background:

The task force thought that whenever possible, courts should look at the possibility of coordinating existing self-help assistance to save costs and provide more cohesive services for litigants. Courts should also work closely with programs funded through the California Dispute Resolution Programs Act and the Small Claims Act and seek to ensure collaboration whenever possible.

Implementation:

- Many courts have worked closely with their law libraries to locate self-help services in those libraries. Examples include Alameda, Butte, Contra Costa, El Dorado, Kern, Los Angeles, Orange, Nevada, Sacramento, and San Bernardino Counties. Law libraries provide space and resources to assist litigants with a quiet place to work and computer and law book access, which is particularly helpful for more complicated cases. Many hold workshops for the public.
- The SHARP self-help center in the Superior Court of Butte County also serves the Superior Courts of Lake and Tehama Counties.
- The role of small claims advisor has largely been integrated with the court self-help centers, allowing for more seamless services for litigants.
- Many self-help programs offer mediation services, and all refer to local dispute resolution programs that assist litigants with resolving their cases outside of court.
- Law librarians, small claims advisors, and mediators have been active participants in conferences on serving self-represented litigants, and each of those conferences has

offered specific workshops sharing best practices, as well as roundtables for discussion and collaboration.

Current Status:

This recommendation is ongoing.

G. Assistance with grant applications and other resource-enhancing mechanisms should continue to be offered to local courts.

Background:

The task force was impressed by the efforts of local courts to expand resources for self-help and thought that it was a good use of Judicial Council resources to continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and otherwise support local courts in obtaining resources for self-help efforts. It suggested that generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

Implementation:

- The Judicial Council staff assists courts with JusticeCorps grants that allow students to provide 300 hours each of legal assistance in self-help centers under the direction of attorneys.
- Alerts are provided to courts when funding becomes available from outside entities, such as the Equal Access Fund Partnership Grants, Legal Services Corporation Technology Initiative Grants, the California Bar Foundation, and the State Justice Institute for initiatives in support of self-help centers.
- A number of workshops have been offered at statewide conferences on how to obtain grants to assist in expanding services, and generic materials are provided to the courts as part of those workshops.
- A master agreement has been negotiated for use by the Judicial Council and the courts to obtain translation services for all commonly used languages in California as well as "plain language" English.
- A master agreement has been negotiated for use by the Judicial Council and the courts for telephonic interpreter services that can be used at a court clerk's office or self-help center. This service can be particularly helpful for languages that are not commonly spoken.
- The Judicial Council has an agreement for the use of a national server for document assembly programs—one that can be used by all California courts.

Current Status:

This recommendation is ongoing.

Recommendation VIII: Implementation of Statewide Action Plan
To provide for successful implementation of this statewide Action Plan, a smaller
task force charged with responsibility for overseeing implementation should be
established.

Background:

The Judicial Council often appoints an implementation task force to oversee the implementation of recommendations in action plans or policy reports.

Implementation:

Upon adoption of the Action Plan by the Judicial Council in 2004, the Implementation Task Force on Self-Represented Litigants was appointed.

Current Status:

This recommendation has been completed.

A. The SRL Implementation Task Force should consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.

Background:

The goal of providing significantly expanded self-help services throughout the entire court requires input from and collaboration with a wide variety of subject-matter experts.

Implementation:

• The SRL Implementation Task Force reached out to a wide variety of experts. It met with judicial educators, facilities specialists, technologists, linguists, and representatives from community organizations, bar associations, law libraries, and a variety of other organizations. The task force chair and staff made presentations to all Judicial Council standing committees and asked for their feedback and guidance in implementation. Many committees embarked on significant efforts, including development of information and forms designed for self-represented litigants to address the recommendations in the Action Plan.

Current Status:

This recommendation has been completed.

B. The number of members on the SRL Implementation Task Force should be limited, but members should be charged with the responsibility to seek input from nonmembers with unique knowledge and practical experience.

Background:

Since the effective implementation of the Action Plan required varied and extensive subject-matter expertise, knowledge, and understanding of practical concerns, it was believed that an implementation committee with the requisite experience would be so large as to be unworkable. Instead the members were charged with regularly reaching out to colleagues and potential partners for suggestions.

Implementation:

• The SRL Implementation Task Force has either had members or consulted with such individuals as judicial officers who have knowledge and experience in cases involving self-represented litigants, the family law facilitators, self-help center attorneys or staff members, law librarians, Judicial Council advisory committees, legal services organizations, the California Commission on Access to Justice, and state and local bar association committees and sections.

Current Status:

This recommendation has been completed.

Conclusion

The expansion and increased sophistication of services provided by the courts to enable self-represented litigants to have their matters adjudicated has been remarkable in the past 15 years. California's courts are internationally recognized for their efforts to ensure that all litigants have access to justice in an efficient and effective manner and should be commended. The Action Plan has been a guidepost for all of these efforts, laying out the vision of the Judicial Council for a comprehensive and thoughtful approach to the changing population of those people coming to California's courts.

The new Advisory Committee on Providing Access and Fairness should continue the work of implementing the *Statewide Action Plan for Serving Self-Represented Litigants* and embark on an effort to consider what next steps should be taken to address the needs of the courts and the public we serve.

TAB 22



Court Reporting Industry Outlook Report EXECUTIVE SUMMARY

Presented by Ducker Worldwide



Created by Ducker Worldwide **Ducker.com**



Sponsored by the National Court Reporters Association **NCRA.org**

Study Background

For generations, stenographic court reporters have been the silent witnesses responsible for creating an official record of the most important trials and moments of history. Trained to input a specialized shorthand into a stenotype machine, which can be instantly converted into English text thanks to advancements in technology, court reporters continue to be an integral component of the legal system. These professionals also serve a variety of fields outside courtrooms and depositions, providing speech-to-text solutions for broadcast, educational, business, medical, and community settings.

Before the development of this report, there was varying information about the current size of the court reporting industry, including how many people are court reporters and captioners, what future demand looks like, and in what areas there will be growth for those who make use of the stenographic method to convert speech to text. Thus, the National Court Reporters Association (NCRA), the largest national association representing court reporters, captioners, and legal videographers, commissioned an independently developed Industry Outlook Report.

Goal of Deliverable

NCRA has conceptualized the production of a comprehensive report that captures both the current "state of the profession" as well as a near-term outlook of supply and demand for stenographic court reporting services. The final result, presented in the following pages, is intended to provide data points grounded in research and facts that can be used by industry professionals, court reporting educational programs, and other stakeholders to support the NCRA membership and provide the foundation for marketing, advocacy, and many other business development initiatives.

NCRA began its development phase of this research in May 2013. Ducker Worldwide, a leading research firm with more than 50 years of experience, kicked off the project in October 2013, and fieldwork commenced over a period of four months. The resulting report was presented to NCRA in March 2014.

About Ducker Worldwide

Ducker Worldwide provides clients with the ability to achieve their performance goals and pursue growth opportunities through comprehensive market intelligence, critical thinking, and strategic market planning. A rare combination of in-depth research, thoughtful analysis, and strategic marketing activities has made Ducker Worldwide an indispensable strategic partner for its clients throughout the world.

The company prides itself on going deeper than simply offering clients access to data and farther than only creating organizational solutions based on experience. More than just research and consulting, Ducker Worldwide's investigative approach and strategic processing yields a competitive advantage. Since 1961, Ducker Worldwide has enabled clients to navigate and prosper in a dynamic, global marketplace.

For more information about Ducker Worldwide, visit Ducker.com.

About the National Court Reporters Association

The National Court Reporters Association promotes excellence among those who capture and convert the spoken word to text and is committed to supporting every member in achieving the highest level of professional expertise. It's membership includes stenographic court reporters, broadcast captioners, and CART (Communication Access Realtime Transition) captioners, students, teachers, legal videographers, scopists, and more.

NCRA is based in Vienna, Va., just outside of Washington, D.C., which is ideal for its active and effective government relations and advocacy initiatives. The association is the nation's leading certification body for court reporters and offers several independently accredited certifications for stenographic court reporters, captioners, realtime-capable court reporters, legal videographers, and others.

For more information about NCRA, visit NCRA.org.

EXECUTIVE SUMMARY

Study Objectives

The purpose of this study is to create an industry report for the National Court Reporters Association and its membership that captures both the current state of the profession as well as a near-term outlook of demand for stenographic court reporting services.

Develop market demand and segmentation

- Quantify current and projected demand
- Segment by region/state
- Determine how demand is measured
- Determine other factors that define market size
- Determine market segments for demand: courtroom, deposition services, broadcast and CART (Communication Access Realtime Translation) captioning
- Understand definitions for each
- Assumptions regarding specific segments
- Evaluate court reporter skill level required by segment from entry level up to realtime
- Identify any unmet needs or concerns regarding court reporters as indicated by industry participants

Develop and profile market supply

- Quantify current and projected supply
- Segment by the number of court reporters that are freelance, court-employed, or other employment (define)
- Estimate levels of new graduates, attrition projectionretirement, and migration
- Evaluate the skill levels of court reporters
- Determine whether supply of court reporters is matched up to the demand by location and by skill level

Develop forecast model via demand and supply analysis

- Determine market drivers and growth expectations
- Forecast levels of litigation
- Evaluate impact of the Americans with Disabilities Act (ADA) and other legislation
- Evaluate the insurance industry's influence on litigation expenses and the selection of court reporters
- Determine courtroom acceptance of digital audio/visual recording (DAR) technology and speech recognition methods
- Evaluate new market opportunities, especially for realtime in various venues, including medical settings, seminars, conferences, and churches

Research Methodology

The methodology consists of 120 primary research interviews with industry constituents, and all study findings are based on the analysis of these direct inputs gathered from the field. Exhibit 1 details interviews conducted by respondent category:

EXHIBIT 1 - Interviews conducted

| Respondent type | Percent of respondents |
|-------------------------------------|------------------------|
| Court reporter certification boards | 20% |
| Agencies | 19% |
| State associations | 18% |
| Schools | 13% |
| Law firms | 10% |
| Industry-related associations | 9% |
| Courts | 6% |
| Manufacturers | 2% |
| Captioning firms | 2% |
| Others | 1% |
| TOTAL | 100% |

The use of secondary data is also necessary in order to triangulate and develop an accurate market assessment. This includes published figures and reports, such as census data, crime statistics, and relevant existing NCRA data. Ducker has successfully used this research methodology for more than 40 years. Exhibit 2 illustrates the multi-faceted approach used in quantifying and forecasting market activity.

EXHIBIT 2 - Synthesis of market inputs and data



Ducker Worldwide's multi-faceted approach is utilized to create a proprietary model using:

- Raw data,
- Industry insight, and
- Internal analysis techniques.

This method yields a current and forecasted view of market demand and supply for court reporters.

EXECUTIVE SUMMARY

Summary Study Findings

Supply of court reporters is currently balanced with overall demand in the United States.

There are approximately 32,000 stenographic court reporters working as court reporters in the United States. That number is balanced with overall demand although there are some limited regional shortages and surpluses across the country.

However, demand for court reporters will exceed supply within five years.

Increased legal activity and new opportunities will drive demand despite the steady transition of some courts to digital recording. Decreased enrollment and graduation rates for court reporters, combined with significant retirement rates. will create by 2018 a critical shortfall projected to represent nearly 5,500 court reporting positions.

The opportunity for new stenographic court reporters is substantial over the next five years and beyond.

The established, coming shortage of stenographic court reporters presents a one-time, substantial opportunity for those seeking a lucrative career with a secure future. Already, court reporting schools are quickly able to connect their graduates with jobs. a trend that will strengthen as the shortage takes hold over the coming years.

When market forces are in play, such as in the deposition side of the business, stenographic court reporters remain the overwhelming choice of attorneys, judges, and others making a day-to-day judgment of the best method for capturing the spoken word and converting it to text. As such, when the aforementioned shortage begins to manifest itself, the opportunity for those entering the court reporting profession will present corresponding employment opportunity.

The market that most court reporters serve is changing. The courts and law firms are in a period of notable transition.

Continued cost pressures on both the courts and law firms are forcing them to change their business models. More than 45 states accept the practice of digital recording in the courtroom in an attempt to demonstrate cost cutting.

The law firms are facing their own pressures, and billable hours have only increased slightly since 2008. Clients have demanded more accountability, and law firms have been slow to respond. However, as they do, they will begin to evaluate all the cost components, including stenographic services.

New technologies will continue to impact all aspects of court reporting.

New technologies have been developed to assist the court reporter in producing an accurate record with better equipment and better software. At the same time, competing technologies such as digital recording and even voice recognition are making headway. Increased emphasis on improving digital recording procedures and voice recognition software accuracy will occur when forecasted shortage of court reporters takes hold.

New opportunities will help increase demand.

Captioning, both on-site and remote, is a relatively small percentage of stenographic court reporting demand, yet captioners are bringing a heightened and updated view to the profession. There are currently fewer than 1,000 stenographic court reporters dedicated exclusively to captioning. The FCC adopted new rules in early 2014 to improve the quality of broadcast captioning after widespread frustration among the viewing public with the inconsistencies in captioning quality. In addition, continued pressure by advocacy groups will bring increased CART captioning demand to churches, medical facilities, and other arenas. Research reveals that the rate of growth for captioners, specifically CART captioners, will outpace the percentage-rate growth for court reporters through 2018. As such, this represents a growth area generally for court reporters and captioners.

The stenographic court reporting profession must act quickly to maximize opportunities and prove its long-term viability to the markets it serves.

Court reporting schools must highlight opportunities in the profession in an attempt to attract additional applicants to court reporting programs. Existing court reporters have an opportunity to demonstrate that they understand changes in the marketplace and embrace technologies to bring valueadded offering to their clients and end users.

Supply

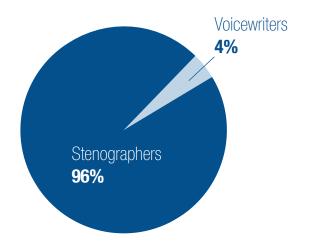
What is the 2013 supply situation?

Currently in the United States, there appears to be a balanced supply of court reporters meeting the demand and needs of courtrooms, judges, and litigators. The majority are stenographic court reporters as opposed to voicewriters who use a mask method to record the proceedings.

States that mandate certification for court reporting are better able to track the number of working court reporters. State certification boards track the number of certifications awarded each year as well as those who are employed as officials or freelancers.

Many state certification boards report a continued decline in the number of court reporter applicants year over year. In fact, some states have observed as high as an 85 percent decrease in applications of certified court reporters over the past five years. Although the certification pass rates have remained steady (the national average pass rate is 20 percent to 30 percent of applicants), the closure of court reporting educational programs and the resulting decline in applicants have greatly impacted the number of court reporter certifications granted each year. This dynamic will significantly impact supply moving forward. What appears to be a healthy supply today could be a very different picture in the near future.

EXHIBIT 3 - Court reporters vs. voicewriters



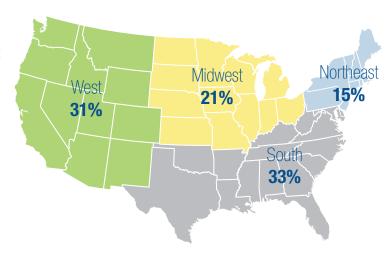
2013 estimated number of court reporters

Today, there are approximately 32,000 stenographic court reporters working in the United States. Four states represent nearly half of all court reporters: California, Texas, New York, and Illinois. Twenty-one percent of all court reporters work in California. Each of the four regions in the exhibit below includes one of the top four states.

Half of court reporters work in four states:

- California
- New York
- Texas
- Illinois

EXHIBIT 4 - 2013 estimated court reporters - by regional segmentation

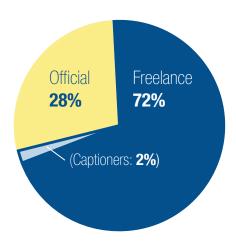


Court reporter segmentation

There are generally two employment segments for a stenographic court reporter: freelance or official. Freelance reporters account for 72 percent of the market and include those who work as independent contractors and for court reporting agencies. Freelance reporters primarily take depositions and examinations under oath. Official reporters account for the remaining 28 percent of supply in the United States and are employed by the court systems. Currently, court reporters who work primarily as captioners account for fewer than 1,000 of the total court reporter market, or approximately 2 percent of the freelance market.

EXECUTIVE SUMMARY

EXHIBIT 5 - 2013 estimated court reporter segmentation - freelance vs. official



On the official side of the market, stenographic court reporters are still prevalent in many courts throughout the United States. Some court systems have pursued digital recording as a means of making the record, particularly for routine legal proceedings such as traffic and family court. In some cases, courts opt for digital audio recording for the perceived cost savings and when there is difficulty securing stenographic court reporters. If supply is constrained in the future, courts increasingly will be forced to look to alternative methods of making the official record.

Prevalence of digital audio recording

Digital audio/visual recording methods are prevalent in pockets of courts throughout the United States. In fact, there are some states that are using the process almost exclusively and make little or no use of stenographic court reporters. In most cases, courts convert to digital recording to assist with budget constraints. When properly executed, which includes a trained courtroom monitor, digital recording is perceived by some to be an effective method for taking official records in court proceedings; however, there have been numerous examples in recent history of legal proceedings being negatively impacted by incomplete or missing recordings.

Penetration of digital recording

States with high levels of digital recording:

- Alaska
- Florida
- Kentucky
- Michigan
- Oregon
- Utah

States with low levels of digital recoding:

- California
- New York
- Texas

More than 45 states use some form of digital recording, even if it is just for routine legal proceedings in settings like traffic and family court.

Education and enrollment rates

Court reporting schools across the United States have reported a continual decrease in enrollment over the last two decades. Many program administrators indicate there are several perception issues affecting enrollment rates:

- Not top-of-mind, relatively unknown
- Preference/push toward four-year degrees
- Competition for education dollars

Lack of awareness about stenographic court reporting has contributed to a decline in enrollment in court reporting schools across the nation. Court reporting school directors report that in order for enrollment rates to increase, awareness levels must be elevated among potential students and their key influencers, namely parents and school counselors.

In recent years, high school counselors generally favor traditional four-year colleges and universities over vocational or two-year programs, including court reporting. Furthermore, court reporting program directors indicate that competition for educational dollars is also directly impacting enrollment. Often, many majors/programs are competing for the same pool of financial resources, and collegiate administrators are inclined to distribute more funding to the concentrations that are likely to have higher placement rates and projected future earnings.

Court reporting school enrollment and graduation

Approximately 2,500 students are currently enrolled in court reporting programs across the country. Depending on location and a variety of other factors, administrators anticipate incoming classes ranging in size from 17 students to 70 students (the average enrollment class size is 30 students).

Incoming classes have shrunk, and court reporting school remains a challenging program. Most programs have an educational element, during which students learn stenographic theory as well as legal procedures and best practices, but there is also a challenging skill to acquire in the finger strokes it takes to write on a steno machine.

Court reporting is a profession that requires frequent and continuous practice to maintain a level of competency demanded in the marketplace (often measured in accuracy and words per minute). Some students drop out before they reach the skill set required to become a freelance or official court reporter.

Court reporter certification provides immediate verification of competency

Roughly half of states within the U.S. require individuals to pass qualification exams before operating as stenographic court reporters. Even in those states where state certification is not required, the National Court Reporters Association offers the nationally recognized Registered Professional Reporter (RPR) exam.

While achieving the standards of state and/or national certification is a formidable challenge, at both the state and national level candidates have multiple opportunities each year to sit for qualifying exams. Such qualification provides entry-level reporters with a clear, real-world understanding of the minimum requirements of the demands of the profession. Passing such qualification exams are a clear indicator to employers that court reporters are qualified to work.

Court reporter income

What a court reporter can earn depends largely on the segment in which he/she works and the area of the country in which he/she lives. Data from NCRA indicates that reporters holding the Registered Professional Reporter (RPR) certification earn, on average, 20 percent more annually than those who do not hold this designation.

Average salaries for court reporters are reported by a number of sources. Though the range can vary, data indicates a reporters's average salary is competitive with other professions requiring four-year degrees.

EXHIBIT 6 - 2013 average salary comparison



Source: Indeed.com

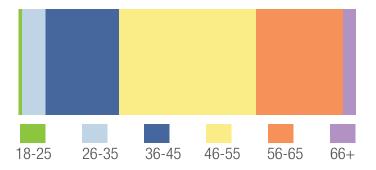
Furthermore, investigation reveals that average salaries for other professions have dropped since July 2012, but the stenographic court reporter earnings, on average, have increased in the same span of time.

Age demographics

According to the Bureau of Labor Statistics, the median age of a working individual for all occupations combined is 42 years old. However, the median age of an individual in the court reporting industry is 51 years old. Seventy percent of the court reporter population is 46 years or older.

EXECUTIVE SUMMARY

EXHIBIT 7 - 2013 estimated court reporter age distribution



About 70 percent of existing court reporters will retire in the next 20 years.

Future industry situation – 2018 supply

Court reporting professionals share a valid concern about the supply of court reporters over the next five years. Taking into account that court reporters tend to stay in the workforce longer than the average, Ducker still predicts that approximately 5,000 to 5,500 reporters will retire over the next five years.

Furthermore, with a declining number of new court reporters each year due to fewer potential court reporters entering and successfully graduating from court reporting programs, Ducker predicts over the next five years, there will be approximately 1,400 to 1,500 new reporters entering into the industry.

The difference between individuals entering the profession and those exiting results in a gap of 3,500 to 4,000 court reporters. Based on current trends, in 2018, the supply of reporters will drop to 27,700.

The number of new entrants to the profession does not keep pace with pending retirements. The projected supply gap is 3,500 to 4,000 court reporters.

EXHIBIT 8 - 2018 court reporter forecast

AVERAGE NUMBER OF NUMBER OF NEW ENTRANTS REPORTERS AGE OF **OVER THE RETIRING OVER CURRENT NEXT 5 YEARS** THE NEXT **5 YEARS REPORTERS** 51 1,500 5,100

> 3,500-4,000 gap in supply before adding in projected increase in demand

Supply in 2018 = 27,700Demand in 2018 = 33,200Difference = 5,500 opportunities

Demand

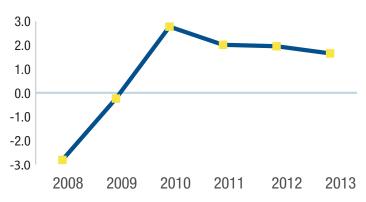
Demand influencers

Demand for stenographic court reporters is dependent on the amount of legal activity. Legal activity can be defined as all of the related factors driving depositions, examinations under oath, trials, appeals, tort trends, malpractice legislation, crime, general economic conditions, and anything else that would impact the need for a court reporter.

One major and measureable indicator of legal activity is gross domestic product (GDP). When the economy is down, there is more cost pressure on law firms and their clients, especially insurance companies. Cost pressure is extended to all aspects of a trial or settlement. Since insurance companies drive significant levels of demand for freelance court reporting services, the result is that when they have less money to spend in legal battles, it can mean fewer depositions and fewer transcripts ordered. Overall, GDP has increased over the past five years and is forecasted to continue to grow. Based on past trends and in-depth research of the industry, it's reasonable to expect GDP growth to positively impact the need for reporters.

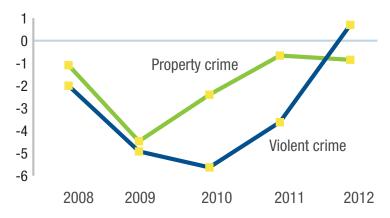
Insurance companies are a major factor impacting legal activity and demand for court reporters.

EXHIBIT 9 - U.S. real GDP growth rate



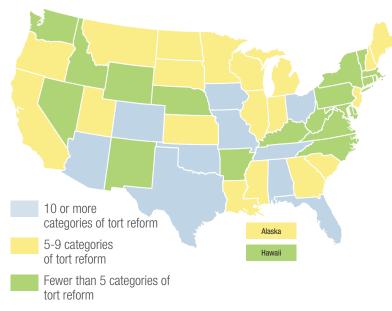
In addition to GDP, the level of crime, as measured by crime statistics, is another factor that influences demand, particularly in the courtroom. Criminal trials do not increase freelance stenographic reporter activity, but criminal trials do increase the demand for reporters who work within the courts.

EXHIBIT 10 - U.S. crime rate trend



Tort reform—the pursuit of proposals that would change rules in the justice system that would, among a myriad of other things, place limits on the ability to file claims and perhaps limit the resulting damages awarded—also has the ability to affect the demand for court reporters' services. Tort reform legislation causes a drop in demand when instituted. States that already have implemented tort reform are considered to have a culture of tort reform and therefore have a higher likelihood of passing more tort reform. Therefore, demand for reporters in those states is adjusted slightly downward.

EXHIBIT 11-2013 tort reform penetration by state



Finally, factors such as the level of penetration of digital recording and voicewriting in the court systems and free-lance environments will ultimately have a negative impact on demand for court reporters in the future.

EXECUTIVE SUMMARY

2013 estimated demand for court reporters

The 2013 demand for court reporters in the United States is 32,000. Court reporter demand is currently balanced with supply. Despite digital recording gaining a foothold in some court systems, there currently appears to be enough litigation and deposition work in the freelance market to support reporters who may have been displaced from the courtroom.

There are approximately 9,000 reporters in the role of official in the courts, representing roughly 28 percent of the total stenographic reporter population, though shifts to the free-lance market will be evident in the future with the continued penetration of digital recording in the courts.

In 2013, demand and supply are balanced.

On a limited basis, some court systems have difficulty filling vacancies for reporters in the courtroom. Oftentimes this is a result of the court being located in a rural region and/or somewhere considered a less desirable place to live. Limited earning potential, especially in comparison to the freelance market, can also result in unmet demand in the official setting.

Official court reporter demand

In states where digital recording is prohibited, there are more official reporters. In these states, official reporters are required by law to take accurate and timely records of court proceedings. Accurate records are needed for appeals as well, and in states where digital recording is prohibited, officials are in higher demand. States currently limiting digital recording include California, Texas, and New York.

Some states have addressed budget constraints by allowing digital recording in the courts and eliminating the need for officials in certain types of cases. Others have pursued a hybrid official/freelancer approach to cut costs. For example, various courts in California have terminated contracts/positions of officials and then hired them back through the freelance market on an as-needed basis. This trend is likely to continue.

There are states that have entirely switched from using stenographic court reporters to digital recording. Alaska, for example, has always had difficulty attracting and retaining reporters due to its rural location, and incorporated the use of recording equipment some time ago. Kentucky and Utah are

other examples of states that have fully implemented digital recording in the courts.

Demand in the courts is driven by the types of cases, trials, and other official events in states that require an official reporter. Jury trials will require some type of recording, whether by a stenographic court reporter, voicewriter, or digital recording. Court matters like traffic violations and family law usually will not require a court reporter to be present, though digital recording may be present. States with higher crime rates will have more trials that require court reporters, and this will also likely influence the demand for that state.

Digital recording threatens demand for some official court reporters.

Freelance court reporter demand

Freelance reporters represent approximately 72 percent of court reporters. Freelance reporters typically are independent contractors associated with one or more court reporting agencies. Typically, agencies are owned by seasoned court reporters, many of whom continue to work in the field as court reporters while running the business.

The biggest demand for freelance court reporters is legal depositions. All indications suggest that litigation firms, the primary users of freelance reporters, perceive that an adequate supply of freelance reporters exists.

Further, litigation firms do not anticipate a pending decline in demand for court reporters. While the demand for legal services declined during the recent recession, activity has been steadily increasing since then.

There has been some movement in the marketplace toward a consistent use of realtime translation during depositions and the use of realtime reporters during trials, but overall, many attorneys seem content with using traditional reporters to handle depositions. The litigation industry, similar to others, tends to use procedures and processes that are more familiar and well established. This tendency also slows the rate of embracing and adopting new technologies.

Nearly three-quarters of freelance reporters' work is for cases involving insurance companies—i.e., medical malpractice, personal injury, or property damage. Insurance company

activity therefore heavily influences the freelance court reporting industry. When economic activity declines, insurance companies elect to spend less on defending claims by settling cases out of court, thus decreasing the amount of activity for freelance court reporters.

Demand for freelance court reporters is increasing.

Detectable use of digital recording in depositions is quite limited at this point, but in some states, penetration has begun. In Florida, most courts have moved to digital recording and attorneys are frequently exposed to the technology. However, when digital recording is used in depositions in Florida, both parties must be in agreement to forgo a stenographic reporter.

The insurance industry creates about 75 percent of freelance court reporter demand.

CART captioning/broadcast captioning demand

Outside of the legal industry, the demand for stenographic court reporters in CART (Communication Access Realtime Translation) captioning and broadcast captioning provides additional opportunities for skilled reporters. The current pool of reporters who are able to perform CART captioning or broadcast captioning is relatively small, as it requires among the highest skills in stenography.

The ability to transcribe the spoken word very quickly has led to a wide range of opportunities in the fields of broadcast captioning and CART captioning. Both offer the opportunity to transcribe the spoken word in different settings, whether it's a sporting event, religious or civic service, news broadcast, or other form of entertainment. With more than 48 million Americans experiencing hearing loss in at least one ear, the need for broadcast and CART captioning has expanded greatly in recent years.

Current demand outside of broadcasting is limited primarily due to a low level of awareness for CART captioning beyond its current, well-established use. Furthermore, current supply is limited due to the skill set. Increased awareness and more reporters entering the CART captioning space will likely drive increased demand. Captioners have, however, provided real-time text to support the media in high-profile trials, corporate board meetings, and medical settings.

The Federal Communications Commission (FCC), which regulates interstate and international communications by radio, television, wire, satellite, and cable, adopted new rules in early 2014 to improve the quality of television captioning after widespread frustration among the viewing public with the inconsistencies in captioning quality. Demand for trained broadcast captioners could continue to grow in an environment of revising and improving captioning quality.

As the population continues to age and, with it, the incidence of hearing loss increases, demand for CART captioning in various public settings will likely continue to grow. In addition, continued pressure by the ADA and other groups will bring increased captioning demand to churches, medical facilities, and other arenas.

As the population ages, additional demand for captioning is likely to appear in community venues, medical settings, and in other arenas.

Future industry situation – Demand outpaces supply by 2018

Ducker forecasts that demand for court reporting services will outpace the supply of stenographic court reporters by approximately 5,500 overall by 2018. Without moves to address the supply issue of stenographic court reporters, the potential opportunity in the future could be seized by alternative technologies such as digital recording.

Exhibit 12 shows states with the biggest gaps in supply. This initial analysis of supply and demand does not consider the potential impact of yet to be identified cases of digital recording or voicewriting penetration. The gap in supply also can be considered the volume of positions or "opportunity" to fill for 2018.

Forecasted Potential Outcomes

A significant gap exists between forecasted supply and demand in 2018. The gap between supply in 2018 of 27,700 court reporters and demand in 2018 of 33,200 court reporters is 5,500 positions. It is vital for the gap in supply to be addressed in a timely manner.

The gap in supply and demand will require some type of reconciliation, and if the number of stenographic court re-

EXECUTIVE SUMMARY

porters entering the workforce each year is not accelerated, alternative methods will consume the gap. It generally takes less time for a person to train to be a courtroom monitor or a voicewriter than it does to complete a stenographic court reporting program. Thus, alternative options come to market-place more quickly and this dynamic exposes stenographic court reporting positions to the potential of being replaced by alternatives, even if the marketplace's strong preference is for stenographic court reporters.

EXHIBIT 12 - 2018 opportunity forecast

| STATE | 2018(F) supply | 2018(F) demand | 2018 opportunity |
|----------------|-------------------|-------------------|---------------------|
| CALIFORNIA | 6,110 | 8,430 | 2,320 |
| TEXAS | 2,270 | 2,680 | 410 |
| ILLINOIS | 1,730 | 1,990 | 260 |
| NEW YORK | 1,590 | 1,850 | 260 |
| NORTH CAROLINA | 750 | 940 | 190 |
| MISSOURI | 710 | 870 | 160 |
| MICHIGAN | 540 | 700 | 160 |
| WASHINGTON | 510 | 660 | 150 |
| WISCONSIN | 430 | 580 | 150 |
| TENNESSEE | 470 | 600 | 130 |
| ARIZONA | 380 | 500 | 120 |
| NEVADA | 260 | 380 | 120 |
| MINNESOTA | 440 | 550 | 110 |
| GEORGIA | 630 | 730 | 100 |
| INDIANA | 400 | 500 | 100 |

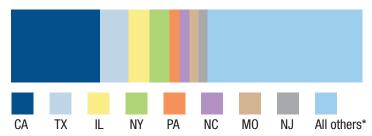
Inability to meet demand

Exhibit 12 demonstrates the magnitude of the gap in future supply and demand if there is no change in the supply of court reporters. This would likely cause a direct increase in demand for digital recording and other alternative technologies. Ducker models indicate that this inability to meet demand coupled with penetration of digital recording to "fill the gaps" would forfeit additional jobs.

Regional considerations for 2018

As detailed in the next section of state-by-state analysis, the states projected to have the highest demand in 2018 are, in order: California, Texas, Illinois, New York, Pennsylvania, North Carolina, Missouri, and New Jersey. All other states have no more than 2 percent of the total national demand.

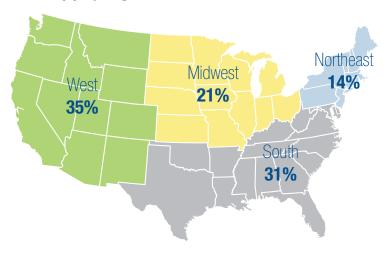
EXHIBIT 13 - States with highest demand 2018(F)



*No 'other' state has more than 2% of total national demand

The Ducker five-year outlook projects that supply and demand broken out by region of the country may result in some gaps by 2018. For example, the model predicts that 31 percent of stenographic court reporters will live in the western region of the United States in 2018, and yet this region will account for 35 percent of total demand. Similarly, 33 percent of reporters may reside in the South in 2018, but only 31 percent of the total market demand will be generated in this region. With this regional forecast, new and existing stenographic court reporters may seek work in regions or states with higher levels of unmet demand.

EXHIBIT 14 - Percent of court reporter demand – 2018(F) by region



| STATE PROJEC | CTIO | NS TERMINOL | .OGY | | | | | | | | | | | |
|---|----------------------------|---|--|---|--|---|--------------------|-------------------|-------|--|--|-------------|--------------------------|---------|
| Certification requ | iired? |) | Certifi | Certification requirement: YES | | | | | | | | | | |
| Digital recording | pene | tration | Evalua | Evaluates current, relative penetration of digital recording: HIGH MEDIUM LOW | | | | | | | | | | |
| Voicewriting acce | eptan | се | Evalua | Evaluates current, relative penetration of voicewriting: HIGH MEDIUM LOW | | | | | | | | | | |
| 2013 supply of s | teno | graphers | Estima | Estimated number of stenographers in 2013 | | | | | | | | | | |
| Official segmenta | ation | | Estima | ate | d number | of stenogra | aphers wo | rking in th | ne co | ourts | | | | |
| Freelance segme | entati | on | Estima | ate | d number | of stenogra | aphers wo | rking in th | ne fr | eelance | e segment | | | |
| 2018(F) supply o | f ster | nographers | Foreca | ast | ed numbe | r of stenog | raphers in | 2018: cd | onsid | lers ret | irement, er | rollment, | and new er | ntrants |
| 2018(F) demand | of st | enographers | 1 | | ed deman ewriting. | d of stenog | graphers a | fter estin | nated | d penet | ration of di | igital reco | rding | |
| Stenographer for | ecas | ted opportunity | _ | - | | . , . | | . , | | _ | - | | chnologies ographers. | |
| Alaska A Arizona A Arkansas A California (| AL AK AZ AR CA | Connecticut Delaware Florida Georgia Hawaii Idaho Illinois Indiana Iowa | CT DE FL GA HI ID IL IN | K L M M M | Cansas Centucky ouisiana Maine Maryland Massachus Michigan Minnesota Mississippi | KS KY LA ME MD etts MA MI MN MS | Montana MT Ohio OH | | | OH OK OR PA RI SC SD | Texas Utah Vermont Virginia Washingtor West Virgin Wisconsin Wyoming | | | |
| STATE PROJEC | CTIO | NS | AL | | AK | AZ | AR | CA | | CO | СТ | DE | FL | GA |
| Certification requ | iired? |) | YES | | NO | YES | YES | YES | | YES | YES | NO | NO | YES |
| Digital recording | pene | tration | MED | | HIGH | MED | MED | LOW | | MED | MED | MED | HIGH | MED |
| Voicewriting acce | eptan | се | MED | | LOW | MED | MED | LOW | | LOW | MED | LOW | MED | HIGH |
| 2013 supply of s | teno | graphers | 425 | | 25 | 440 | 390 | 7,130 | | 330 | 270 | 50 | 1,000 | 720 |
| Official seg | gmer | ntation | | | | | | | | | | | | |
| Freelance | segr | nentation | | | | | | | | | | | | |
| 2018(F) supply o | f ster | nographers | 380 | | 25 | 380 | 350 | 6,110 | | 300 | 240 | 60 | 915 | 630 |
| 2018(F) demand | of st | enographers | 470 | | 25 | 500 | 360 | 8,430 | | 350 | 280 | 50 | 910 | 730 |
| Stenographer for | ecas | ted opportunity | 90 | | 0 | 120 | 10 | 2,320 | | 50 | 40 | SURPLUS | SURPLUS | 100 |

Note: All figures are estimated based on Ducker's extensive research and proprietary court reporting supply and demand model. Projections are based on a model using raw data, industry insight, and internal analysis techniques. This method yields a current and forecasted view of market demand and supply for the stenographic court reporting industry. Figures have been validated and confirmed whenever possible; additional information can be provided to researchers for future iterations of the report at annm@ducker.com.

EXECUTIVE SUMMARY

| STATE PROJECTIONS | HI | ID | IL | IN | IA | KS | KY | LA | ME | MD |
|-------------------------------------|-----|-----|-------|-----|-----|-----|---------|---------|-----|-----|
| Certification required? | YES | YES | YES | NO | YES | YES | NO | YES | NO | NO |
| Digital recording penetration | MED | MED | MED | MED | MED | MED | HIGH | MED | MED | MED |
| Voicewriting acceptance | LOW | LOW | LOW | LOW | LOW | MED | MED | MED | LOW | MED |
| 2013 supply of stenographers | 90 | 100 | 2,070 | 450 | 380 | 340 | 390 | 860 | 80 | 450 |
| Official segmentation | | | | | | | | | | |
| Freelance segmentation | | | | | | | | | | |
| 2018(F) supply of stenographers | 80 | 90 | 1,730 | 400 | 350 | 300 | 330 | 750 | 80 | 390 |
| 2018(F) demand of stenographers | 80 | 100 | 1,990 | 500 | 400 | 360 | 320 | 700 | 80 | 440 |
| Stenographer forecasted opportunity | < 5 | 10 | 260 | 100 | 50 | 60 | SURPLUS | SURPLUS | < 5 | 50 |

| STATE PROJECTIONS | MA | MI | MN | MS | МО | MT | NE | NV | NH | NJ |
|-------------------------------------|-----|------|-----|-----|-----|-----|-----|-----|---------|-----|
| Certification required? | NO | YES | NO | YES | YES | NO | NO | YES | YES | YES |
| Digital recording penetration | MED | HIGH | MED | MED |
| Voicewriting acceptance | MED | HIGH | LOW | MED | MED | MED | LOW | MED | MED | LOW |
| 2013 supply of stenographers | 450 | 650 | 500 | 300 | 830 | 60 | 110 | 300 | 80 | 910 |
| Official segmentation | | | | | | | | | | |
| Freelance segmentation | | | | | | | | | | |
| 2018(F) supply of stenographers | 370 | 540 | 440 | 260 | 710 | 60 | 110 | 260 | 80 | 800 |
| 2018(F) demand of stenographers | 410 | 700 | 550 | 260 | 870 | 70 | 120 | 380 | 60 | 810 |
| Stenographer forecasted opportunity | 40 | 160 | 110 | < 5 | 160 | 10 | 10 | 120 | SURPLUS | 10 |

Note: All figures are estimated based on Ducker's extensive research and proprietary court reporting supply and demand model. Projections are based on a model using raw data, industry insight, and internal analysis techniques. This method yields a current and forecasted view of market demand and supply for the stenographic court reporting industry. Figures have been validated and confirmed whenever possible; additional information can be provided to researchers for future iterations of the report at annm@ducker.com.

| STATE PROJECTIONS | NM | NY | NC | ND | ОН | OK | OR | PA | RI | SC |
|-------------------------------------|-----|-------|-----|-----|-----|-----|------|-------|-----|------|
| Certification required? | YES | NO | NO | NO | NO | YES | NO | NO | NO | YES |
| Digital recording penetration | MED | LOW | MED | MED | MED | MED | HIGH | MED | MED | MED |
| Voicewriting acceptance | LOW | LOW | MED | LOW | LOW | LOW | LOW | MED | LOW | HIGH |
| 2013 supply of stenographers | 190 | 1,770 | 870 | 50 | 830 | 350 | 360 | 1,050 | 70 | 350 |
| Official segmentation | | | | | | | | | | |
| Freelance segmentation | | | | | | | | | | |
| 2018(F) supply of stenographers | 170 | 1,590 | 750 | 50 | 770 | 310 | 310 | 940 | 60 | 320 |
| 2018(F) demand of stenographers | 190 | 1,850 | 940 | 70 | 780 | 390 | 400 | 980 | 65 | 330 |
| Stenographer forecasted opportunity | 20 | 260 | 190 | 20 | 10 | 80 | 90 | 40 | < 5 | 10 |

| STATE PROJECTIONS | SD | TN | TX | UT | VT | VA | WA | wv | WI | WY |
|-------------------------------------|-----|-----|-------|------|---------|-----|-----|-----|-----|---------|
| Certification required? | NO | YES | YES | YES | NO | NO | YES | YES | NO | NO |
| Digital recording penetration | MED | MED | LOW | HIGH | MED | MED | MED | MED | MED | MED |
| Voicewriting acceptance | LOW | MED | LOW | LOW | LOW | MED | MED | MED | MED | LOW |
| 2013 supply of stenographers | 80 | 550 | 2,460 | 160 | 50 | 800 | 590 | 170 | 480 | 40 |
| Official segmentation | | | | | | | | | | |
| Freelance segmentation | | | | | | | | | | |
| 2018(F) supply of stenographers | 70 | 470 | 2,270 | 140 | 50 | 680 | 510 | 150 | 430 | 50 |
| 2018(F) demand of stenographers | 120 | 600 | 2,680 | 190 | 40 | 740 | 660 | 220 | 580 | 40 |
| Stenographer forecasted opportunity | 50 | 130 | 410 | 50 | SURPLUS | 60 | 150 | 70 | 150 | SURPLUS |

Note: All figures are estimated based on Ducker's extensive research and proprietary court reporting supply and demand model. Projections are based on a model using raw data, industry insight, and internal analysis techniques. This method yields a current and forecasted view of market demand and supply for the stenographic court reporting industry. Figures have been validated and confirmed whenever possible; additional information can be provided to researchers for future iterations of the report at annm@ducker.com.

TAB 23

CA B. An., S.B. 1102 Assem., 7/27/2004

California Bill Analysis, Assembly Floor, 2003-2004 Regular Session, Senate Bill 1102

July 27, 2004 California Assembly 2003-2004 Regular Session

(Without Reference to File)

SENATE THIRD READING

SB 1102 (Budget and Fiscal Review Committee)

As Amended July 27, 2004

2/3 vote. Urgency

SENATE VOTE: Vote not relevant

<u>SUMMARY</u>: This is the general government omnibus Budget trailer bill. Provides various legislative changes related to general government necessary for the enactment of the 2004-05 State Budget Act. Specifically, this bill:

- 1) Provides that the Athletic Commission be funded from the Athletic Commission Fund (ACF) rather than the General Fund (GF).
- 2) Prohibits an alcohol beverage licensee from petitioning the Department of Alcohol Beverage Control (ABC) for a compromise in lieu of license suspension for a 3rd or subsequent violation of selling alcoholic beverages to a minor within 36 months of the initial violation.
- 3) Provides actions to enforce laws related to public nuisances, corporate securities, air resources, forest practices, tobacco sales, and waste management.
- 4) Eliminates the State Mandate Claim Fund that was created to pay the costs of mandates that do not exceed \$1 million. The budget transfers the fund balance of \$461,000 to the General Fund.
- 5) Makes optional existing statutory requirements that county board of supervisors, prior to adopting a resolution to approve or deny requests to consolidate specified local elections, to

obtain a report on the cost-effectiveness of the proposed consolidation from the county elections official.

- 6) Makes optional existing statutory requirements that specific documents related to a real property claims be recorded with a county recorder.
- 7) Makes optional existing statutory requirements that county assessors report quarterly to the state Board of Equalization (BOE) on specified property purchases or transfers between family members that involve a claim for exclusion from "change of ownership" assessment requirements.
- 8) Makes optional existing statutory requirements that various local officials file and record specified documents as a part of a program that allows senior citizens to defer payment of property taxes.
- 9) Makes optional existing statutory requirements that any traffic signal controller that is newly installed or upgraded by a local authority shall be of a standard traffic signal communication protocol capable of two-way communications.
- 10)Requires the Commission on State Mandates (CSM) to issue parameters and guidelines that are to be reviewed by the State Controller (SCO).
- 11)Provides for the State to receive 75% of punitive damages awarded by the court. These provisions would sunset on June 30, 2006. Applies to actions filed after the effective date of this act and are finally adjudicated prior to the sunset date.
- 12)Provides that the Victims of Corporate Fraud Compensation Fund (VCFCF) be continuously appropriated.
- 13)Provides that the California Department of Food and Agriculture be required to establish all permanent positions with the SCO's office pursuant to standard state practices, and shall report to the Legislature no later than January 10, 2005 on the positions established.
- 14)Provides that various statutory provisions associated with the management of the state's real property assets be inoperative until July 1, 2004. These amendments instead, until July 1, 2005, require all state agencies, departments, boards, and commissions to review real property assets and report to the Department of General Services (DGS) on any surplus property to their current or future needs. Upon approval legislative approval, such properties deemed surplus may be liquidated by the state.
- 15)Requires that surplus property be offered to interested local governmental agencies prior to liquidation.
- 16)Requires local governmental agencies to notify DGS of their interest in purchasing in surplus property within 60 days of notification; the sale of the property shall be competed within 90 days of notification. If such transactions are not made within these timeframes, surplus property may be then sold to the general public.
- 17)Repeals provisions that allow the Department of Finance (DOF) to authorize the creation of deficiencies.

- 18)Requires the Stephen P. Teale Data Center to submit a proposal to DOF that reconciles current fiscal year (FY) rates and details any proposed adjustments for budget FY rates to be included in the Governor's Budget.
- 19)Requires the California Gambling Control Commission to report to the Legislature on the amount needed to backfill the Indian Gaming Revenue Sharing Trust Fund (IGRSTF) on or before the May budget revision for each FY.
- 20)Prohibits any eligible Native American Tribe from receiving an amount from the backfill for the (IGRSTF) in excess of \$275,000 per eligible quarter.
- 21)Requires DGS to submit to DOF a reconciliation of current FY service fee rates.
- 22)Increases the Secretary of State (SOS) exempt position authority from two positions to four positions.
- 23)Provides the SCO with authorization to access certain funds to pay for costs associated with the 21st Century Information Technology Project.
- 24)Requires that a filing fee be charged to claimants for the California Victim Compensation and Government Claims (CVCGC) program and require a surcharge that is not to exceed 15% of the total approved claim be implemented to support the expense of administering the CVCGC program.
- 25) Authorizes the state Public Works Board (PWB) to augment a capital outlay in an amount of up to 20% of the total project appropriation.
- 26)Provides various technical clean-up related to statutory references to the use of Design Build methods in the capital outlay process.
- 27)Extends provisions that authorize the state's contracting out of printing services until January 1, 2005.
- 28)Requires the Department of Justice (DOJ) to report to the Legislature on the activity of the Litigation Deposit Fund.
- _ 29)Eliminates the County Formation Revolving Fund and require loan repayments to be deposited in the GF.
- 30)Provides \$38.2 million (GF) for booking fee subventions to cities and certain special districts in 2004-05, and limits county charges for booking fees in 2004-05 to the fees in effect on January 1, 2004. Eliminates booking fee subventions after 2004-05 and limits county booking fees charged to public agencies to no more than half of actual cost.
- 31)Increases the membership of the Infrastructure Bank board from three members to five members.
- 32)Provides that energy conservation analysis portion of the local housing plan be at the option of local government and that the Department of Housing and Community Development (HCD) adopt regulations relative to the special housing needs analysis and that any actions taken by local government beyond those regulations are optional.

- 33)Authorizes a the Santa Barbara County Formation Commission to request a loan of up to \$400,000 from the SCO upon appropriation from the GF (provided in the budget) to finance the costs of the upcoming election regarding formation of a new county.
- 34)Exempts governmental employees from receiving payment of \$15 per day from the courts for the performance of jury duty if that employee continues to receive regular compensation and benefits while performing jury services.
- 35)Limits local trial courts from seeking separate reimbursement for costs associated with homicide trials under existing law that provides such reimbursements to counties. This change reflects the transfer of fiscal responsibility of the courts to the state under the Trial Court Reform Act.
- 36)Requires the Judicial Council (JC) and Administrative Office of the Courts to annually report to the Legislature on the status of the California Case Management System and the Court Accounting and Reporting System. In addition, this bill would require that the Administrative Office of the Courts provide the Legislature with post-implementation reports for these projects.
- 37)Extends filing fee surcharges for civil cases until June 30, 2005 or upon enactment of a uniform filing fee; whichever is earlier.
- 38) Prohibits the trial courts from expanding the use of electronic recording technology or equipment to make either official or unofficial court records. The trial courts would be required to report to the JC by October 1, 2004 and semiannually thereafter regarding purchases and leasing of electronic recording equipment used to record superior court proceedings.
- 39)Directs violations of the Trial Court Employment Protection and Governance Act, and the Trial Court Interpreter Employment and Labor Relations Act to be processed as an unfair labor practice charge by the Public Employment Relations Board (PERB). A party seeking unfair relief from the decision of PERB would petition the district court of appeal. This bill also provides that any agreement between the court and court employees that contains an arbitration agreement would require the establishment of a panel of court of appeal justices to hear those matters.
- 40)Directs the Legislature to make an annual appropriation to the JC for the general operations of the trial courts based upon a request by the JC that includes adjustments for court operating expenses, court employee salaries and salary driven benefits. The amount of adjustment shall be based upon the year-to-year percentage change in the state appropriations limit. The budget request shall also identify those non-discretionary costs required by state or local law that exceeds the state appropriations limit. In addition, requests for other adjustments for operational or programmatic changes shall be separately identified and addressed through the annual budget process.

- 41)Authorizes the superior courts to be reimbursed for costs associated with court proceedings involving persons confined by the California Department of Corrections (CDC) or the Department of the Youth Authority (CYA).
- 42)Designates the name of the appellate courthouse of the fifth appellate district as the George N. Zenovich Court of Appeal Building.
- 43)Requires CDC, where feasible, to enter into two or more procurement contracts for the purchase and development of the Business Information System (BIS) project.
- 44) Authorizes the State Fire Marshall to charge state agencies for the cost of fire and life safety building inspections.
- 45)Increases allocation of bond proceeds under the Housing and Emergency Shelter Trust Fund Act of 2002 to HCD from \$4.1 million to \$5.5 million.
- 46)Prohibits rent increases above the average annualized household incomes of residents of any migrant farm labor center without legislative authorization.
- 47)Provides technical clarification for the depositing of fines and fees into the Car Wash Restitution Fund.
- 48)Allows CDC and CYA to contract with providers of emergency health care services and require hospitals that do not contract with the departments to provide these services on the same basis as they are required to provide them pursuant to federal law.
- 49)Restores funding for the Rural County Sheriff Subvention Program.
- 50)Increases the maximum amount of authorized indebtedness of the California Alternative Energy and Advanced Transportation Financing Authority to \$1 billion of total debt outstanding.
- 51)Requires, for all customers eligible to receive discounts for telecommunications services under the federal Universal Service E-rate program (E-rate discounts), the Teleconnect discount provided by the PUC be applied after applying the E-rate discount.
- 52)Requires that customers eligible for the E-rate discount provide the California Public Utilities Commission with information necessary for the commission to determine the percentage of the E-rate discount due to the customer.
- 53)Eliminates the provisions of law establishing the Earthquake Grants and Loans program within the Department of Insurance (DOI).
- 54) Establishes the Deficit Recovery Fund (DRF) in the State Treasury.
- 55)Appropriates certain proceeds of the bonds issued pursuant to the Economic Recovery Bond Act that are deposited in the GF, from the GF for transfer by the controller to the DRF.
- 56)Requires the Director of DOF to use the monies transferred to the DRF to reimburse GF expenditures for the 2003-04 and 2004-05 fiscal years.
- 57)Requires the Scholarshare Investment Board to transfer \$50,000 from the Golden State Scholareshare Trust to the GF.
- 58) Makes various technical, nonsubstantive changes.

_ 59)Provides that monies be transferred from Underground Storage Tank Cleanup Fund (USTCF) to the GF.

<u>FISCAL EFFECT</u>: Significant GF savings resulting from this bill are assumed in the 2004-05 Budget Act.

<u>Analysis Prepared by</u>: Kealii Bright / Dan Rabovsky/ Steve Kawamura/ BUDGET / (916) 319-2099

FN: 0007216

CAB. An., S.B. 1102 Assem., 7/27/2004

End of Document

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TAB 24

CA B. An., S.B. 1102 Sen., 7/27/2004

California Bill Analysis, Senate Floor, 2003-2004 Regular Session, Senate Bill 1102

July 27, 2004 California Senate 2003-2004 Regular Session

SENATE RULES COMMITTEE

Office of Senate Floor Analyses

UNFINISHED BUSINESS

Bill No: SB 1102

Author: Senate Budget and Fiscal Review Committee

Amended: 7/27/04

Vote: 27 - Urgency

PRIOR SENATE VOTES NOT RELEVANT

ASSEMBLY FLOOR: Not available

SUBJECT: Omnibus general government trailer bill

SOURCE : Author

<u>DIGEST</u>: <u>Assembly Amendments</u> delete the Senate version, which expressed the intent of the Legislature to enact statutory changes relating to the 2004-05 Budget Act.

This bill now provides the necessary statutory changes in the area of general government in order to enact the 2004 Budget Act.

<u>ANALYSIS</u>: The major provisions of this omnibus general government trailer bills are as follows:

Office of Privacy Protection Funding. Allows the Office of Privacy Protection to reduce General Fund support by \$35,000 and replaces that amount with special fund.

<u>Athletic Commission Funding and Fees</u>. Reactivates its support budget special fund (the Athletic Commission Fund) in which support revenues will be deposited.

State Department of Alcoholic Beverage Control (ABC) Fines. Allows ABC to accept petitions for an offer in compromise and accept fines in lieu of liquor-license suspensions for a second violation of law within a 36-month period. ABC will retain the authority to suspend a license when that punishment seems more appropriate given the nature of the violation. This change is estimated to generate an additional \$1.3 million in annual General Fund revenue.

<u>Punitive Damage Awards</u> . Existing law provides that in an action for the breach of an obligation not arising from a contract, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, or malice, the plaintiff may recover punitive damages from the defendant.

This bill provides that an award of punitive damages shall be paid 25 percent to the plaintiff and 75 percent payable to the Director of the State Department of Finance (DOF) for deposit in the Public Benefit Trust Fund (PBTF). The funds in the PBTF will be appropriated for purposes consistent with the nature of the award. Also exempts the attorney's share of the punitive award from taxation by the state, withhold information from the jury the knowledge that punitive damages will be awarded to a government fund, and make provisions related to the state's public role in the assignment of punitive damage awards. These provisions will cease to be operative as of June 30, 2006.

This generates an estimated \$450 million for the General Fund through transferring a portion of punitive damage awards to the state.

<u>Eliminate Juror Pay for Government Employees</u>. Prohibits payment of the \$15 juror fee to a juror who is employed by a federal, state, or local government entity who continues to receive regular compensation and benefits while on jury duty. The budget assumes \$2.3 million in General Fund savings resulting from the elimination of juror pay for government employees.

<u>State Department of Justice (DOJ) Public Rights Division Cost Recovery</u>. Existing law provides that when DOJ prevails in a civil action to enforce certain public rights, the court shall

award DOJ all costs of investigating and prosecuting the actions. This bill adds specified actions for which costs may be awarded.

<u>Continuous Appropriation for Victims of Corporate Fraud Compensation Fund</u>. Existing law requires corporations to file annual statements with the Secretary of State's Office. A \$5 filing fee related to certain disclosures accompanies that statement. One-half of that fee is deposited in the Victims of Corporate Fraud Compensation Fund (VCFCF) for purposes related to providing restitution to the victims of corporate fraud. This bill continuously appropriates the money in the VCFCF for restitution purposes.

<u>Scholarshare Investment Board Authority and Transfer</u>. Existing law authorizes the Scholarshare Investment Board ("Board") to administer the Governor's Scholarship Programs. This bill expresses the intent of the Legislature to provide explicit authority for the Board to continue to administer accounts and make awards for this program in accordance with prior legislation. This bill additionally requires the Board to transfer up to \$50 million from the Golden State Scholarshare Investment Trust to the General Fund, not later than 30 days following the enactment of the Budget Act of 2004, and make additional provisions to ensure a prudent reserve.

<u>State Department of Food and Agriculture (DFA) Position Management</u>. Requires DFA to comply with standard administrative procedures in the establishment of new positions.

Convert Government Claims Board Programs to Fees and Reimbursements. Converts the Government Claims Program from a General Fund supported program to one funded through a combination of claimant filing fees that will be reimbursed should the board approve the claim and reimbursements from state agencies. Also allows the board to recover actual costs for administering the State Employees' Charitable Campaign from the agency receiving the charitable contributions, and also makes other technical changes. The budget assumes savings of \$809,000 from the General Fund related to these changes.

Statewide Emergency Response Funding Authority . Existing law establishes the Disaster Response-Emergency Operations Account, a continuously appropriated fund, for allocation by the Director of DOF to state agencies for disaster response operation costs for a state of emergency, as proclaimed by the Governor. This bill (1) amends this code section to specify the types of eligible emergencies and limit the time when allocations may be made to within 120 days of the Governor's proclamation, and (2) is repealed on January 1, 2007, unless a later enacted statute makes it again operative.

This bill deletes those provisions from statute and make conforming changes in other sections. Provisions to allow deficiency spending and related certification and notification processes are added to budget bill item 9840 ("Augmentation for Contingencies and Emergencies). A \$50 million appropriation for General Fund requests and smaller amounts for non-General Fund requests are added to that item. In cases where a deficiency spending request exceeds the appropriation in the 9840 item the request will funded through a supplemental appropriation bill.

Executive Order S-10-04 (May 2004) requires all state agencies to review their current and anticipated programmatic needs for state-owned and leased property and identify and report any surplus in their current or future needs.

This bill provides that all agencies or departments that had not already done so pursuant to the Executive Order, conduct a review consistent with the order and report to DGS. DGS will then review the properties relative to their value to the state, report these properties to the Legislature, and sell or dispose of this surplus property, as authorized by the Legislature. The bill requires the property to be offered to local governmental agencies who must notify DGS of their interest within 60 days. If a sale cannot be made to a local agency within a 90-day timeframe, DGS would be required to offer the property to sale to private entities or individuals at a fair market value. Proceeds of an estimated \$50 million will be deposited in the General Fund.

This bill additionally appropriates \$2.8 million from the Property Acquisition Law Money Account to DGS for the 2004-05 fiscal year, for activities associated with the disposal of surplus state property.

<u>Indian Gaming Special Distribution Fund</u>. This bill requires the Gambling Control Commission to provide an estimate of the amount of funding needed to backfill the Indian Gaming Revenue Sharing Trust Fund by the May Revise rather than at the end of the fiscal year, and revert any excess transferred funds back to the Special Distribution Fund (SDF).

This bill also provides a six month extension to allocate monies appropriated from the SDF in 2003-04 to mitigate the impacts of tribal casinos. The extension will assist counties that were unable to implement their programs in the first year. This bill makes a technical correction to the allocation formula for the mitigation grants to allow counties with no "non-SDF" paying tribes to expend all the money allocated for mitigation in the county.

<u>Secretary of State Exempt Positions</u>. Existing law provides that two employees of the Secretary of State's Office shall be appointed by the Governor and are exempt from civil service. This bill requires the Governor to appoint four employees of the Secretary of State's office (who may be nominated by the Secretary of State) to be exempt from civil service.

<u>Human Resource Management System -- 21st Century Project</u>. Existing law prescribes duties of the State Controller pertaining to human resource and payroll systems. This bill authorizes the State Controller to assess certain funds, as specified, in amounts sufficient to pay the costs of a human resource project known as the 21st Century Project. A General Fund appropriation of \$2.5 million and reimbursements of \$1.5 million provide the 2004-05 funding for this project.

<u>Public Works Board Augmentation Authority and Design Build Process</u>. Existing law prohibits state agencies from expending funds appropriated for capital outlay until DOF and the State Public Works Board (PWB) have approved preliminary plans for the project. Existing law further provides that augmentations in excess of 20 percent of the amount appropriated for the project be deferred until the Legislature makes additional funds available.

Existing law requires DGS, when authorized by the Legislature to use a design-build procurement process for a specific project, to contract and procure state office facilities, buildings, structures, and related facilities.

This bill clarifies that project approvals by the PWB and DOF apply only to the allocation of state capital outlay funds appropriated by the Legislature, including land acquisition and equipment funds. This bill states that the PWB may augment to provide financing for a reasonable construction reserve. The PWB will be authorized to utilize this construction reserve to augment the project under certain conditions.

This bill also requires that any augmentation in excess of 10 percent of the amounts appropriated for a design-build project, in addition to other capital outlay projects, be reported to the Chairperson of the Joint Legislature Budget Committee or his or her designee within a prescribed time period.

<u>Rental Rates</u>. Existing law authorizes the DGS to charge fees for services to state agencies and requires. This bill requires DGS to submit to DOF a proposal that reconciles the current fiscal year rates for service fees charged by DGS to state agencies, and detail any adjustments proposed for budget fiscal year rates to be included in the Governor's Budget.

Office of State Publishing . Existing law repeals, on January 1, 2005, provisions authorizing state contracting out of printing services and the Office of State Publishing to offer printing services to non-state agencies. This bill extends those provisions through January 1, 2006.

<u>Homicide Trials</u>. Existing law allows counties to apply for reimbursement of excessive county costs incurred as a result of a homicide trial. This bill specifies that costs paid by state trial courts for which the state trial court is responsible are not included as reimbursable costs.

<u>Special Fund Loan Reports</u>. Existing law requires the DOF to make reports to the Joint Legislative Budget Committee on the balance of loans between state funds or accounts to address budgetary shortfalls in 2001-02, 2002-03, and 2003-04. This bill requires, by February 1 of each year, the Director of DOF provides an updated report on General Fund obligations pertaining General Fund loans or other obligations.

<u>DOJ Litigation Deposit Fund</u>. Existing law establishes the Litigation Deposit Fund. This bill (1) requires DOJ to notify DOF within 15 days of transferring funds from the Litigation Deposit Fund, (2) requires the DOJ to make quarterly reports on activity of the fund, and (3) specifies that any residue remaining in the fund after all court directed claims or approved expenditures is transferred to the General Fund no later than July 1 of each fiscal year.

<u>Santa Barbara County Formation Commission</u>. Existing law provides a procedure for the formation and creation of new counties from portions of one or more existing counties. As part of that procedure the Governor creates a county formation review commission to review the proposed county creation. This bill authorizes a commission to request a loan of up to \$400,000 from the State Controller upon appropriation from the General Fund.

Booking Fee Reimbursements . Existing law allows counties to impose a booking fee upon other local agencies and specified special districts for county costs incurred in processing or booking persons arrested by employees of those entities and brought to county facilities for booking and detention. Up to \$50 million are continuously appropriated from the General Fund to local agencies and qualified special districts for actual booking and processing costs paid to the counties, based on actual costs during the 1997-1998 budget year. This bill deletes the continuous appropriation authority beginning in 2005-06, reduces the amount the sheriffs may charge by one-half beginning in 2005-06, and specifies that no county may assess a booking fee in excess of the fee in place on January 1, 2004.

<u>Rural and Small County Law Enforcement Grants</u>. Existing law suspends the rural and small county law enforcement grant program for 2003-04 and 2004-05. This bill reinstates the program for 2004-05, appropriating and allocating \$500,000 to specified small and rural county sheriffs' departments to enhance law enforcement. A total of \$18.5 million will be allocated for this program in 2004-05.

<u>Membership of Infrastructure Bank Board</u>. This bill expands the membership of the Board from three to five, by adding the Secretary of the State and Consumer Services Agency, and an appointee of the Governor.

<u>Housing Element Local Mandate</u>. This bill (1) clarifies and narrows the requirements of the housing element mandate to reduce General Fund obligations, and (2) restates existing authority of Councils of Governments and cities and counties to charge fees to reimburse Councils of Governments for their costs of completing their portion of the housing element.

<u>Court Technology Information Systems</u>. This bill requires the Administrative Office of the Courts to report annually to the Legislature on the status of the implementation of two statewide information technology projects that are underway - the California Case Management System and the Court Accounting and Reporting System.

<u>Trial Court Filing Fee Shortfall</u>. Existing law establishes a \$10 or \$20 filing fee surcharge to be added to the filing fee in specified civil cases filed between January 1, 2004 and June 30, 2004. This bill (1) extends the filing fee surcharge until June 30, 2005 to help make up for an estimated filing fee shortfall in the budget year, and (2) makes the filing fee surcharge provisions inoperative on July 1, 2005 or upon enactment of a uniform filing fee, whichever is earlier. The budget assumes revenues of \$12.4 million going into the Trial Court Trust Fund from this extension.

<u>Electronic Reporting</u>. Existing law authorizes the use of electronic recording devices in specified court proceedings under certain circumstances. This bill (1) prohibits courts from expending funds for electronic recording technology to make an unofficial record of an action or proceeding or to make an official record of action or proceeding in circumstances not authorized in current law, and (2) requires each superior court to report to the Judicial Council semi-annually and the Judicial Council to report to the legislature semi-annually on all purchases and leases of electronic recording equipment.

<u>Trial Court Collective Bargaining</u>. Under the Trial Court Employment Protection and Governance Act and the Trial Court Interpreter Employment and Labor Relations Act, existing law authorizes a trial court and the regional court interpreter employment relations committee to adopt reasonable rules and regulations for employer-employee relations. Existing law also authorizes trial courts, trial court employees, and employee organizations to petition the superior court if there has been a violation of specified labor acts or to enforce written agreements between the parties.

This bill provides that any violation of the specified labor acts or of any rules and regulations shall be processed as an unfair practice charge by the Public Employment Relations Board (PERB).

<u>Trail Court Base Funding Adjustments</u>. This bill provides that a base funding adjustment for operating costs of the trial courts is included as part of the annual budget request. The bill specifies (1) that the funding adjustment is computed based on the change in the annual state appropriations limit, and (2) that the courts can submit requests for funding on top of the base funding adjustment for specified non-discretionary costs that the courts face and for programmatic changes.

Office of Migrant Services Programs . This bill allows the State Department of Housing and Community Development to expend \$1.4 million from the funds provided from the Housing and Emergency Shelter Trust Fund Act of 2002 (Proposition 46) for the Joe Serna, Jr. Farmworker Housing Grant Fund. This funding will support the repair, rehabilitation, and replacement of equipment at the various State-owned migrant centers.

<u>Daily Rental Rates for Farmworker Housing</u>. This bill restricts State-owned farmworker housing rental rates such that they cannot exceed 30 percent of the average farmworker household income without specific legislative authorization.

<u>Car Wash Worker Restitution Fund and Car Wash Worker Fund.</u> Existing law regulates the industry of car washing and polishing and imposes registration fees and fines. This bill clarifies the deposition of this revenue to the Car Wash Worker Restitution Fund and the Car Wash Worker Fund.

<u>Prisoner Hearing Reimbursements</u>. Existing law authorizes the State Department of Corrections (DOC) to reimburse local jurisdictions for specified costs of court proceedings involving a prisoner of the DOC or the State Department of the Youth Authority (DYA). This bill authorizes superior courts to be reimbursed by the Administrative Office of the Courts for specified superior court costs. The budget transfers \$2.6 million from the DOC budget to the budget for Trial Court Funding to pay for these costs.

<u>State Department of Corrections Medical Contracting</u>. This bill requires that hospitals that do not contract with the DOC or DYA for emergency healthcare services shall be reimbursed only for reasonable and allowable costs, defined as Medicare costs. This bill also requires that ambulance services to the DOC or DYA that do not contract shall be reimbursed at Medicare rates. The budget assumes \$3.4 million in savings related to these changes.

<u>State Department of Corrections Business Information System Project</u>. This bill requires DOC, where feasible, to enter into separate procurement contracts for the purchase and development of the hardware and the software for the Business Information System (BIS) project, and requires

that the BIS project be developed to allow integration with other statewide financial and personnel systems.

<u>California Alternative Energy and Advanced Transportation Financing Authority Bonding Authority</u>. Existing law authorizes the California Alternative Energy and Advanced Transportation Financing Authority (Authority) to lend financial assistance to a participating party, as defined, for a specified project. The Authority is currently confined to indebtedness in an amount that does not exceed \$350 million. This bill increases the maximum amount of indebtedness to \$1 billion of total debt outstanding.

<u>California Teleconnect Program</u>. This bill requires (1) the State Public Utilities Commission (PUC) to limit subsidies to qualified schools and libraries only to the remaining portion of the telecommunications bill after the federal E-Rate subsidy is applied, and (2) the PUC to give priority to bridging the "digital divide" in setting subsidies to encourage expanded access to state-of-the-art technologies for rural, inner-city, and disabled Californians.

<u>Unclaimed Property from Canadian Firms</u>. Existing law provides that property belonging to citizens of California will escheat to the state when not claimed by the owner of that property after a certain period of time, with certain exclusions. Two exclusions exist for property belonging to California citizens either issued in a foreign country or funds held in a foreign country. This bill eliminates those two exclusions.

<u>Eliminate Earthquake Grants and Loans Program</u>. Existing law requires the State Department of Insurance to establish a program for residential grants and loans to help pay for the retrofitting of high-risk residential dwellings owned or occupied by low and moderate-income households. This bill eliminates the provisions of law establishing the program. A savings of \$2.9 million is credited to the General Fund in the budget year pursuant to the abolishment of the program.

<u>Fifth Appellate District Courthouse</u>. This bill names the new Fifth Appellate District Courthouse in Fresno as the "George N. Zenovich Court of Appeal Building."

New Deficit Recovery Fund . The Economic Recovery Bond Act of 2004, approved in a statewide election on March 2, 2004, authorizes the issuance of bonds for the purpose of reducing the General Fund deficit. This bill establishes the Deficit Recovery Fund in the State Treasury and appropriate bond proceeds to the Deficit Recovery Fund. The Director of DOF is required to use the moneys in the Deficit Recovery Fund to reimburse General Fund expenditures for the 2003-04 and 2004-05 fiscal years, and specifies that monies in the fund may be borrowed for General Fund cashflow purposes as authorized by existing law.

<u>Mandates</u>. The Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claim Fund to pay the costs of mandates that do not exceed \$1 million statewide and other procedures for claims whose statewide costs exceed \$1 million.

Existing law further requires:

- 1.A county board of supervisors to obtain and review from a county elections official a report on the cost effectiveness of any proposed consolidation of elections.
- 2. Specified documents related to a real property claim be recorded with a county recorder.
- 3. County recorders to notify debtors of the recordation of involuntary liens affecting their title of real property.
- 4.A county assessor to report quarterly to the State Board of Equalization on specified property tax purchases or transfers between family members.
- 5. Various local officials to file and record specified documents as a part of a program that allows senior citizens to defer payment of property taxes.
- 6.Any traffic signal controller that is newly installed or upgraded to be capable of two-way communications.

This bill makes the preceding mandates optional, and state that the Legislature, in recognizing the local interests served by these mandates encourages local agencies to continue to follow the direction.

Existing statutory law requires the Commission on State Mandates to issue parameters and guidelines that govern how local agencies may seek reimbursement for mandates. This bill requires Commission on State Mandates to amend certain parameters and guidelines to be consistent with other provisions of this bill.

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: Yes

TSM:cm 7/28/04 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

CA B. An., S.B. 1102 Sen., 7/27/2004

| California Bill Analysis, S.B. 1102 Sen., 7/27/2004, California Bill Analysis, S.B. 1102 | | | | | | | | |
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