

FVAP et al. v. Superior Courts of Cali. et al.

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FOR IMMEDIATE RELEASE

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Today the California Supreme Court heard oral argument in the case *Family Violence Appellate Project, et al. vs. Superior Courts of California, et al.* (Case No. S288176). The lawsuit was filed by the Family Violence Appellate Project, represented by Covington & Burling LLP and Community Legal Aid SoCal, and Bay Area Legal Aid, representing itself. Petitioners seek to resolve the constitutional crisis caused by the statewide court reporter shortage, alleging that the superior courts' failure to provide a verbatim (word-for-word) record of court proceedings to low-income litigants violates due process, equal protection, and separation of powers under the California Constitution.

The Court heard oral argument from Sonya Winner (Covington & Burling) on behalf of Petitioners. Respondent Superior Courts, the California Attorney General, and amicus curiae Service Employees International Union California State Council (SEIU) et al. also presented oral argument. There was universal recognition that low-income litigants have a right to verbatim records of their court proceedings. The Justices asked numerous questions about what legal theory should underpin the decision—for example, should the Court decide the case under the in forma pauperis doctrine, or on constitutional grounds. The Justices' thorough questioning was encouraging, demonstrating that they care about reaching the right decision here and recognize the harms of depriving low-income litigants of a verbatim record. A recording of the oral argument will be available on the Supreme Court's [website](#) in the coming weeks.

“As I said to the Court today, the California judicial system is in crisis, and our most needy and vulnerable civil litigants are paying an intolerable price for it,” said **Sonya Winner, Senior Counsel at Covington and Burling**. “The Respondent Courts and the Attorney General agree with us that a constitutional crisis exists and needs a remedy. We are hopeful that the Court will now provide one.” **Katelyn Rowe, Senior Attorney at Community Legal Aid SoCal** also explained, “This is a very rare type of lawsuit, and it involves a convergence of multiple constitutional issues, including due process, separation of powers, and equal protection. We appreciate the Supreme Court hearing the case and providing much-needed guidance.”

Petitioners also expressed appreciation for the Supreme Court hearing oral argument. “We are incredibly grateful the Supreme Court heard our case today,” said **Jennafer Dorfman Wagner, Director of Programs at the Family Violence Appellate Project**. “With more than a million civil and family court hearings going unreported every year, this critical access to justice issue urgently needs to be addressed.” **Brenda Star Adams, Litigation Director at Bay Area Legal Aid**, agreed, stating, “Today the voices of millions of litigants were heard by the highest court in our State. We are grateful that, by hearing this case, the Court recognizes the importance of the rights of low-income Californians to a verbatim record and equal access to justice.”