



FVAP v. Superior Courts of California, et al.

August 10, 2026

California Supreme Court Issues Landmark Decision on Equal Access to Justice for Low-Income Litigants

Today the California Supreme Court issued its ruling in the landmark case *Family Violence Appellate Project, et al. vs. Superior Courts of California, et al.* (Case No. S288176). In a sweeping victory for Petitioners and civil litigants across the state, the Court held California courts have a mandatory duty to provide a verbatim record of all court proceedings for litigants who cannot afford to pay for a private court reporter. If a court reporter is unavailable to fulfill that duty, then courts must use electronic recording absent other means.

The lawsuit was filed in 2024 by the Family Violence Appellate Project, represented by Covington & Burling LLP and Community Legal Aid SoCal, and Bay Area Legal Aid, representing itself. Petitioners brought the suit because the superior courts' failure to provide a verbatim (word-for-word) record of court proceedings to litigants who cannot afford a private court reporter violates their rights under the California Constitution. Without a verbatim record, it is essentially impossible for litigants to appeal an incorrect decision or for the court system to fairly and efficiently administer justice.

In recent years, the California court reporter shortage has reached a tipping point. More than a million hearings and trials every year in family, probate, and most other civil cases have been proceeding without a verbatim record. This is because courtrooms do not have enough court reporters to staff them, and a state statute (Government Code Section 69957) bars electronic recording from filling the gap, even though the equipment is already in place in courts across the state.

In today's decision, the California Supreme Court confirmed that Section 69957 cannot be applied to prevent the recording of proceedings, including by electronic recording, if no court reporter is available and the litigant cannot afford a private court reporter. The opinion explains courts have a **mandatory duty** to provide "meaningful access" to an official verbatim record of proceedings, including by electronic recording if an official court reporter is unavailable, and directs them to do so by issuing a writ of mandate.

The Court recognized that "[b]ecause the costs involved in hiring a private court reporter can be significant, the population of litigants who cannot afford to hire a private court reporter, but who can afford to pay routine court fees and costs, may be large." The opinion directs trial courts "to be flexible in assessing a litigant's ability to pay" and specifically rejected the idea that "a formal in forma pauperis application is required before relief can be granted."

According to **Jennafer Dorfman Wagner, Director of Programs at the Family Violence Appellate Project**, “Today’s decision is a major victory in the fight for equal access to justice for all litigants, regardless of financial means. We are committed to working with the legal community and the Superior Courts to ensure the Court’s ruling is implemented to its fullest.” **Sonya Winner, Senior Counsel, Covington & Burling LLP**, adds: “By depriving low-income litigants of access to verbatim recording, our judicial system has been relegating them to second-class status. We are pleased that the Court has stepped in to correct this situation.”

Brenda Star Adams, Litigation Director at Bay Area Legal Aid, agrees, saying, “We are grateful to the Court for recognizing the harms suffered by thousands of low-income litigants each day and for affirming their right to equal access to justice.”

And **Erica Embree Ettinger, Senior Attorney at Community Legal Aid SoCal**, adds that “Today’s ruling is a significant step in the right direction toward recognizing the rights of low-income litigants to full access to our justice system. Because of this opinion, California Superior Courts are directed to provide hundreds of thousands of litigants with verbatim records of their civil proceedings.”