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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

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

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

16 Under current law, the LASC is obligated to provide CSRs for certain criminal and juvenile
17 proceedings, and for certain proceedings when requested by indigent litigants with an approved fee
18 waiver. That obligation is not changed by the fact that the LASC has 125 CSR vacancies, a number that
19 has not decreased for over a year despite the LASC’s significant efforts to hire and retain CSRs. To
20 provide coverage for criminal and juvenile proceedings, the LASC has been forced to remove CSRs
21 from its family law, probate, and unlimited civil departments. In those departments, per Local Rule
22 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
23 hearing upon special request by the judicial officer. But this stopgap measure has proven inadequate,
24 and the LASC cannot maintain it going forward.

25 As a last resort to preserve the appellate rights of litigants and to carry out the LASC’s “duty in
26 the name of public policy to expeditiously process civil cases” (*Apollo v. Gyaami* (2008) 167
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28 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.

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

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

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

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

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

16 The appellate courts are “profoundly concerned about the due process implications of a
17 proceeding in which the [trial] court, aware that no record will be made, incorporates within its ruling
18 reasons that are not documented for the litigants or the reviewing court.” (*Maxwell v. Dolezal* (2014)
19 231 Cal.App.4th 93, 100.) The LASC, too, is profoundly concerned about the possibility of the appellate
20 courts reviewing decisions—or, worse, declining to review decisions—where the record is not
21 adequately “documented for the litigants or the reviewing court.” (*Ibid.*) Accordingly, to provide the
22 judges of the LASC with the means to protect the ability of litigants to appeal where their fundamental
23 rights are at issue and no CSR is reasonably available, the Court issues this General Order.

24 25 **THE COURT’S EFFORTS TO HIRE AND RETAIN CSRs**

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

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

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

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

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28 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.

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

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

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

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

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

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27 ³ Pursuant to California Evidence Code section 452, subdivision (c), the Court takes judicial notice of the Legislative
28 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.

1 C. The Consequence of Forgoing a Verbatim Transcript

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

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

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

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

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

1 2024—are the ones in which litigants are least likely to be able to manage the complex process of
2 creating a settled statement. Indeed, some may be restrained from having any communication with one
3 another following the imposition of a domestic violence, workplace violence, elder abuse, or other
4 restraining order.

5 Nor does the LASC’s docket permit its trial courts to undertake the settled statement process or
6 a detailed contemporaneous minute order for all of those hearings. “[T]rial courts have a duty in the
7 name of public policy to expeditiously process civil cases.” (*Apollo, supra*, 167 Cal.App.4th at p. 1487;
8 *Smith v. Ogbuehi* (2019) 38 Cal.App.5th 453, 468-469.) Even where lawyers are involved, “the settled
9 statement process may take up to three hours each day to complete.” (Grimes, Settled Statements at p.
10 28 [“To avoid the difficulties of recalling events, some judges require counsel to remain in the
11 courtroom each day until they agree on a settled statement for that day’s proceedings. In such
12 courtrooms, the settled statement process may take up to three hours each day to complete....”].) If a
13 trial court attempted to create contemporaneous settled statements across the board, including with
14 contentious, self-represented parties, the process would take far longer. For that reason, recourse to
15 settled statements is “impractical for courts given the sheer volume of cases on their docket”; “settled
16 statements are not the long-term answer” to the CSR shortage. (*Id.* at pp. 28-29.)

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

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

23 The judicial officers of the LASC have an obligation to follow the law. Wherever possible, that
24 means applying the statutory law as enacted. But “it is the obligation of the trial and appellate courts to
25 independently measure legislative enactments against the constitution and, in appropriate cases, to
26 declare such enactments unconstitutional.” (*People v. Superior Court (Mudge)* (1997) 54 Cal.App.4th
27 407, 411, as modified (May 9, 1997).) Similarly, “[c]ourts, as custodians of the judicial powers of
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1 government, are not obliged to enforce a statute which ... arbitrarily deprives a litigant of his rights.”
2 (*People v. Murguia* (1936) 6 Cal.2d 190, 193.)

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

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

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

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

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

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

14 1. Constitutional Rights Relative to Appeal

15 Under the California Family Code, the California Probate Code and the California Code of Civil
 16 Procedure (“CCP”), parties possess *statutory* rights to appeal adjudication of family law, probate, and
 17 civil controversies. (See CCP § 902 [“Any party aggrieved may appeal in the cases prescribed in this
 18 title”]; CCP § 904.1, subs. (a)(1), (10), (14) [“An appeal ... may be taken ... [f]rom a judgment” or
 19 “an order made appealable by ... the Probate Code or the Family Code” or “a final order or judgment
 20 in a bifurcated proceeding regarding child custody or visitation rights”].) Likewise, under CCP section
 21 904.1, parties have a right of appeal from a judgment of contempt.

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

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

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

10 2. Fundamental Rights and Liberty Interests in Family Law Proceedings

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

18 As the U.S. Supreme Court explained over a century ago, “the individual has certain
19 fundamental rights which must be respected,” including “the right to marry, establish a home, and bring
20 up children.” (*Meyer v. Nebraska* (1923) 262 U.S. 390, 399, 401.) Five years after that decision, the
21 Court struck down a law that required children to attend public school because it infringed on parents’
22 custodial rights to educate their children as they please. (*Pierce v. Soc’y of Sisters* (1925) 268 U.S. 510,
23 534.) In the 1960s, the Court struck down a law banning interracial marriage because it violated the
24 Constitution by infringing on the fundamental right to marry. (*Loving v. Virginia* (1967) 388 U.S. 1,
25 12.) A decade later, it struck down a law prohibiting marriage of individuals not current on child support
26 payments because it, too, infringed upon the fundamental right to marry. (*Zablocki v. Redhail* (1978)
27 434 U.S. 374, 386.) More recently, the Supreme Court struck down limitations on same-sex marriages
28 as unconstitutional. (*Obergefell v. Hodges* (2015) 576 U.S. 644, 666 [“Like choices concerning

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

4 The California Constitution similarly protects marriage and family rights. (See, e.g., *In re*
5 *Marriage Cases* (2008) 43 Cal.4th 757, 809, superseded by const. amend. on other grounds as stated in
6 *Hollingsworth v. Perry* (2013) 570 U.S. 693 [collecting marriage cases]; *In re Carmaleta B.* (1978) 21
7 Cal.3d 482, 489 [parenting]; *In re B.G.* (1974) 11 Cal.3d 679, 693-694 [parenting].) Encompassed
8 within “a parent’s liberty interest in the custody, care and nurture of a child is ... the ‘right to determine
9 with whom their children should associate.’ [Citation.]” (*Herbst v. Swan* (2002) 102 Cal.App.4th 813,
10 819.)

11 Fundamental rights and liberty interests related to marriage and family have direct bearing on
12 the judicial process, too. For instance, “due process does prohibit a State from denying, solely because
13 of inability to pay, access to its courts to individuals who seek judicial dissolution of their marriages.”
14 (*Boddie v. Connecticut* (1971) 401 U.S. 371, 374.) Similarly, in *Little v. Streater* (1981) 452 U.S. 1,
15 13-17, the Court held that a state must pay for blood-grouping tests sought by an indigent defendant to
16 enable him to contest a paternity suit.

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

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

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

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

17 3. Fundamental Rights and Liberty Interests in Probate Proceedings

18 Fundamental liberty interests akin to those in a criminal context are also implicated in cases
19 involving civil commitment and Lanterman-Petris-Short (“LPS”) conservatorships in probate
20 proceedings. (See, e.g., *People v. Dunley* (2016) 247 Cal.App.4th 1438, 1451 [“The California Supreme
21 Court has long held that under California law, equal protection challenges to involuntary civil
22 commitment schemes are reviewed under the strict scrutiny test because such schemes affect the
23 committed person’s fundamental interest in liberty.”].) Recognizing that the “due process clause of the
24 California Constitution requires that proof beyond a reasonable doubt and a unanimous jury verdict be
25 applied to conservatorship proceedings under the LPS Act,” the California Supreme Court outlined
26 myriad ways in which gravely disabled conservatees’ fundamental liberty interests could be impinged
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1 in *Conservatorship of Roulet* (1979) 23 Cal.3d 219, 227 (*Roulet*).⁴

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

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

15 4. Fundamental Rights and Liberty Interests in Civil Contempt Proceedings

16 Finally, judicial officers in the Family Law, Probate and Civil Divisions hear, from time to time,
 17 orders to show cause why a person should not be found in civil contempt for their willful failure to
 18 follow a lawful court order. A person’s first conviction for such contempt exposes that person to
 19 criminal penalties, including fines of up to \$1,000 and incarceration of up to five days. (See CCP §
 20 1218.) Penalties for subsequent convictions are increased. (See *ibid.*) Such orders likewise implicate
 21 constitutional rights and liberties.

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 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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2 The United States and California constitutions protect the fundamental rights and liberty

3 interests at stake in marriage, dissolution of marriage, parentage rights and determinations, custody

4 determinations, and restraining orders in the family court; specified conservatorship and guardianship

5 proceedings in probate court; and civil contempt proceedings in family, probate, and civil court. When

6 parties in such proceedings feel those constitutional rights have been violated, the California Legislature

7 wisely gave them the ability to seek appellate review. The precedent of the California Supreme Court

8 and Court of Appeal, as well as of the United States Supreme Court, teaches that the procedures for

9 seeking that appellate review cannot draw impermissible distinctions between different classes of

10 would-be appellants. Where underlying fundamental rights are at stake, procedures that limit appellate

11 rights face strict scrutiny. Put otherwise, a procedural limit on the ability to appeal for some litigants

12 and not others—such as a limit on the ability to secure a verbatim record of a trial proceeding to make

13 an appeal meaningfully possible—must further a compelling governmental interest and must be

14 narrowly tailored to achieve that interest.

15

16 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

1 vacancies. There is no reason to believe that in the short or long run, the LASC will be able to
2 hire sufficient CSRs to reliably staff its family law, probate, and civil departments. At present,
3 they do not exist to be hired.

- 4 6. California law, under section 69957, permits electronic recording of infraction, criminal
5 misdemeanor, and limited civil matters for the purpose of creating a verbatim record of
6 proceedings.
- 7 7. Pursuant to that statutory authorization, the LASC has a reasonable alternative method of
8 permitting the creation of a verbatim record of proceedings via electronic recording technology
9 in the absence of an available CSR.
- 10 8. More than 500 times in 2023, the judges in the LASC's Appellate Division successfully
11 reviewed and decided appeals when ER was used to create a record of infraction, criminal
12 misdemeanor, and limited civil matters for the purpose of creating a verbatim transcript.
- 13 9. In contrast to how it permits litigants to protect their appellate rights in infraction, criminal
14 misdemeanor, and limited civil matters, section 69957 prohibits electronic recording of family
15 law, probate, and civil matters, even those involving constitutionally protected fundamental
16 rights and liberty interests.
- 17 10. As a consequence of the shortage of court-employed CSRs and the prohibition of section 69957,
18 hundreds of thousands of family law, probate, and civil hearings occurred in the LASC in 2023
19 and 2024 for which no verbatim record of proceedings could be made. Hundreds of thousands
20 more such hearings will likewise occur each year. As a result, the court reporter shortage has
21 become an emergency and a crisis in appellate and, ultimately, constitutional rights.
- 22 11. The LASC, along with others, has unsuccessfully attempted to persuade the California
23 Legislature to amend the law to ameliorate this crisis. The Legislature has now entered its final
24 recess for the year prior to adjournment sine die without any steps to address the crisis.
- 25 12. As matters stand, when judges in the LASC enforce section 69957—such that there is no
26 transcript available to vast numbers of family law, probate, and civil litigants when a court-
27 employed CSR is not available for assignment to a family law, probate, and civil departments
28

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

3 13. The distinction section 69957 draws among classes of litigants can result in family law, probate,
4 and civil litigants suffering actual and serious constitutional harms on account of this legislative
5 discrimination. The discrimination in the law between circumstances in which electronic
6 recording is permitted and prohibited does not pass constitutional muster under the applicable
7 strict scrutiny standard. Indeed, the Court cannot see any legitimate reason—let alone a
8 compelling reason—why the option of electronic recording is given to a party in a limited civil
9 matter involving a small economic loss but denied to a woman seeking a restraining order
10 against an abusive husband, a father facing the loss of custody over his child, a person with
11 grave disabilities facing the imposition of a conservatorship, or a contemnor looking at jail time.
12 If the reason is that it would be better to have CSRs prepare the transcripts of such hearings,
13 section 69957 could be more narrowly tailored so that it does not deny those litigants a verbatim
14 record when no CSR is reasonably available. It is apparent that there will be hearings in which
15 enforcement of section 69957 will fail both aspects of strict scrutiny and might indeed fail even
16 lower levels of scrutiny.

17 14. Instead of needlessly restricting the appellate rights of litigants in matters touching upon
18 fundamental constitutional rights and liberty interests, the LASC has a reasonable alternative
19 method of permitting the creation of a verbatim transcript of proceedings via electronic
20 recording technology. In the absence of a reasonably available CSR which will ameliorate or
21 eliminate the constitutional violations, the judges of the LASC should have the option to
22 preserve and protect constitutional rights rather than limit and impinge upon them.

23 **GENERAL ORDER**


24
25 Accordingly, the Presiding Judge hereby ORDERS the Clerk of Court to direct Deputy Clerks
26 to operate the electronic recording equipment in family law, probate and civil departments as directed
27 by the judicial officer presiding in such department when that judicial officer finds that: (1) the
28 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





SAMANTHA P. JESSNER
Presiding Judge

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**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

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

6 7 **THE CRISIS IN OUR COURT**

8 3. The LASC is the largest unified trial court in the United States.¹ Its 582 judges and
9 commissioners work in one of 36 courthouses within the Court's 12 judicial districts and are supported
10 by 5,000 full-time Court employees. The Court's judicial officers hear every case type under California
11 law—criminal, civil, family law, juvenile dependency, juvenile justice, probate, and mental health.
12 Cases range from simple traffic infractions to murders; landlord/tenant disputes to multi-million-dollar
13 lawsuits; child support enforcement to complicated divorce and custody proceedings; and
14 guardianships to involuntary commitments.

15 4. The LASC can no longer reliably staff its trial departments with court-employed certified
16 shorthand reporters (“CSRs”) because of a chronic shortage of CSRs available to be hired. This
17 phenomenon is not new. For many years, court executive officers and judicial branch leaders
18 throughout the state (indeed, the nation) have watched and spoken out about the ever-decreasing
19 number of CSRs available for employment, predicting the day when the situation would reach crisis
20 proportion.

21 5. That day and that crisis have arrived in Los Angeles County. Under current law, the LASC
22 is mandated to staff courtrooms with CSRs for certain criminal, juvenile justice, juvenile dependency,
23 and other specified proceedings. The LASC is also mandated to provide a CSR, following the
24 California Supreme Court’s decision in *Jameson v. Desta* (2018) 5 Cal.5th 594 (*Jameson*), for certain
25 proceedings when requested by indigent litigants with an approved fee waiver. At present, the LASC
26 currently employs 328 CSRs, and it has 125 CSR vacancies despite our herculean efforts to hire and

27 ¹ Los Angeles County is geographically one of the nation's largest counties covering 4,084 square miles and, with over
28 10,072,629 million residents, also one of its most populous.

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

4 6. Thus, the crisis: in 2023, our Court held more than 332,000 hearings for which there was no
5 verbatim record of proceedings whatsoever. That number has grown by more than 193,000 hearings
6 through June 30, 2024, meaning that there has been a total of more than 525,000 hearings in the past
7 eighteen months for which there is no verbatim record of those proceedings. Assuming the crisis has
8 not worsened since the second quarter of 2024, an average of 1,571 hearings are now held at the Court
9 each day in which litigants have no access to a verbatim record. In those proceedings, no CSR is
10 present and applicable law prohibits electronic recording (“ER”) to create a verbatim record. We can
11 expect again, in the remainder of this year, and the years to follow, hundreds of thousands of hearings
12 with no verbatim record. As a public officer dedicated to securing justice and access to justice for the
13 residents of Los Angeles County, in my opinion, this crisis is intolerable.

14 7. The California Legislature promulgated a statute—Government Code section 69957—that
15 permits courts to use ER to create a verbatim record of proceedings in misdemeanor, infraction, and
16 limited civil cases but prohibits ER in any other case types. The LASC has installed ER equipment in
17 all courtrooms where the verbatim record of proceedings is permitted by statute to be captured by ER.

18 8. Section 69957 also permits the use of ER for the purpose of monitoring the performance of
19 “subordinate judicial officers”—namely court commissioners and court referees. The LASC has
20 installed ER equipment in all, or substantially all, of its courtrooms for this purpose and is actively
21 using ER to record proceedings for this purpose. Having such equipment enhances the LASC’s
22 flexibility in arranging for judicial officer coverage of a given court session. Thus, for example, if a
23 family law judge is absent from the Court on a particular day, a court commissioner may be placed in
24 that department to handle the Court’s business that day. Another example occurs when court facilities
25 are unavailable on account of an unexpected emergency, such as the flooding of our Compton
26 Courthouse twice in one month earlier this year requiring that courthouse to be closed and cases and
27

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

3 4 THE LASC'S EFFORTS TO HIRE AND RETAIN CSRs

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

17 10. Nonetheless, over the last two years, the LASC has undertaken an unprecedented
18 expenditure of effort and money to try to hire and retain CSRs. The LASC negotiated a side letter of
19 understanding with the bargaining unit representing the court-employed CSRs in January 2023 to
20 provide numerous retention and recruitment incentives. The LASC negotiated a more extensive set of
21 retention and recruitment incentives in August 2023. This has included extensive promotion of open
22 positions and very generous financial signing and retention bonuses.³ For example, the LASC currently
23 offers a CSR signing bonus of \$50,000 paid over two years and a court reporter school loan forgiveness
24

25 ² See Exhibit 1, Judicial Council materials, including Press Release dated November 2, 2022, entitled "There is a Court
26 Reporter Shortage Crisis in California," and Judicial Council Fact Sheet: Shortage of Certified Shorthand Reporters in
27 California, dated January 2024. This exhibit, as well as all those attached to and incorporated herein are genuine, true,
28 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.

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

5 11. But the Court's efforts have been unsuccessful. While we were able to hire 19 CSRs
6 between January 2023 and June 2024, our CSR census has not kept up with retirements—30 in total
7 in that same time period. After all our efforts and the expenditure of well over *thirteen million dollars*
8 in Fiscal Years 2022-2023 and 2023-2024 on recruitment and retention of CSRs, the LASC has a net
9 reduction of eleven CSR positions, and *still* has 125 CSR vacancies.

10 12. Despite a significant budget reduction to the Court for Fiscal Years 2024-2025, the Court
11 did not eliminate any CSR positions to absorb that budget reduction. Instead, the LASC negotiated a
12 three-year memorandum of understanding with the bargaining unit representing the court-employed
13 CSRs in January 2024 that implemented numerous changes, including, but not limited to:

- 14 • 4% base salary increase effective January 16, 2024;
- 15 • 3% base salary increase effective January 1, 2025;
- 16 • 3% base salary increase effective January 1, 2026;
- 17 • Placing all CSRs, regardless of their appointment status, at the top step of the pay scale;
- 18 • \$2,000 one-time payment for all bargaining unit members on the payroll as of April 20,
19 2024; and
- 20 • Base salary parity language should any AFSCME bargaining unit receive a higher total
21 base salary increase for 2025 and 2026.⁴

22 13. The LASC also entered into a three-year contract with Quick Caption, Inc., in June 2022
23 for as-needed court reporting services (“pro tem court reporting services”) that requires the firm to
24 supply the Court with private-sector CSRs upon request. Even though the contract has been in place
25 for over two years, the contractor has been unable to meet their obligation to supply CSRs to the Court.

26 _____
27 ⁴ See Exhibit 8, Memorandum of Understanding between the Superior Court of California, County of Los Angeles, and
28 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.

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

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

THE PLEA TO THE LEGISLATURE TO ADDRESS THE CRISIS

14 16. In years past, and again in 2023 and throughout 2024, multiple presiding judges and court
 15 executive officers of the California Superior Court, the Judicial Council of California, bar groups
 16 representing lawyers for the particularly vulnerable litigants in family law proceedings, and members
 17 of the public implored the Legislature to amend section 69957 to permit ER in additional court
 18 departments to address this crisis.⁸ Those joining the Superior Court and Judicial Council of California
 19 in urging the Legislature to amend the law to permit ER to address the crisis through written or oral
 20 testimony included:

21 ///

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24 ⁵ See Exhibit 3, LASC News Release, dated April 2, 2024, entitled “Superior Court of Los Angeles County Launches
 25 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.

26 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).

27 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.”

28 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.

- 1 • Los Angeles County Bar Association
- 2 • California Lawyers Association
- 3 • Legal Aid Foundation of Los Angeles
- 4 • Public Counsel
- 5 • Bet Tzedek Legal Services
- 6 • Community Legal Aid SoCal
- 7 • Harriett Buhai Center for Family Law
- 8 • LevittQuinn Family Law Center
- 9 • Los Angeles Center for Law and Justice
- 10 • Los Angeles Dependency Lawyers, Inc. and Dependency Legal Services of San Diego
- 11 • Asian Americans Advancing Justice Southern California (AJSOCAL)
- 12 • Consumer Attorneys Association of Los Angeles
- 13 • Association of Southern California Defense Counsel
- 14 • Mexican American Bar Association
- 15 • Women Lawyers Association of Los Angeles
- 16 • Asian Pacific American Bar Association of Los Angeles County
- 17 • Beverly Hills Bar Association
- 18 • Southern California Chinese Lawyers Association
- 19 • Korean American Bar Association of Southern California
- 20 • Japanese American Bar Association
- 21 • Arab American Lawyers Association of Southern California
- 22 • Irish American Bar Association – Los Angeles
- 23 • Philippine American Bar Association
- 24 • Italian American Bar Association
- 25 • Black Women Lawyers Association of Los Angeles
- 26 • South Bay Bar Association
- 27 • Asian Pacific American Women Lawyers Association
- 28 • 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 17. In 2023, California State Senator Susan Rubio introduced SB 662 which, if enacted, would
 18 have expanded the permitted use of ER from limited civil, misdemeanor and infraction matters—again,
 19 now permitted by section 69957—to other proceedings if and when a court-employed CSR was
 20 unavailable.⁹ That bill would have authorized use of extant ER technology—already permitted in some
 21 courtrooms to create a verbatim record and already permitted in all courtrooms to monitor the
 22 performance of subordinate judicial officers—to create a verbatim record provided that no CSR was
 23 available. But on January 18, 2024, the California Legislature failed to advance SB 662.¹⁰

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

26 ⁹ See Exhibit 5, text of SB 662.

27 ¹⁰ See Exhibit 6, a news article from Law.com dated January 19, 2024, entitled “Bill to Allow Electronic Recording in
 28 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.

1 future availability of court reporters in the trial courts.” Among the LAO’s conclusions are: “records
 2 of court proceedings are important for Due Process”; the number of licensed court reporters has
 3 steadily declined since at least 2009; “many existing court reporters could be approaching retirement”;
 4 the “actual number of court reporters [is] less than [the] need identified by the Judicial Branch”; in a
 5 survey of trial courts, “nearly all trial courts . . . reported a marked increase in the number of court
 6 reporter FTE vacancies they are experiencing”; “departures [are] not offset despite increased hiring”;
 7 court reporter licensees have a “perception of higher compensation in [the] private sector” and a
 8 “perception of better working conditions in [the] private sector”; that 37% of the full-time equivalent
 9 court reporter positions needed statewide where electronic recording is not authorized, as estimated by
 10 the Judicial Branch, is not filled; and that “the Legislature will need to decide what methods of making
 11 an official record should be permissible. This includes whether a record can be made by electronic
 12 recording. . .”¹¹

13 19. The California Legislature entered its final recess before adjournment on August 31, 2024,
 14 without passing a bill that would permit the use of ER to capture the verbatim record when a court
 15 reporter is not available.¹² The consequence of this inaction is that there is no legislative solution to
 16 address this crisis for the foreseeable future.

CONFRONTING THE CONSTITUTIONAL CRISIS

17
 18
 19 20. Each day, the judges and court staff of the LASC go to work in furtherance of our Court’s
 20 mission statement, namely: *The Los Angeles Superior Court is dedicated to serving our community by*
 21 *providing equal access to justice through the fair, timely and efficient resolution of all cases.* Our
 22 judges’ commitment to equal access to justice is encompassed within the sacred oaths each has taken
 23 to support and defend the Constitutions of the United States of America and the State of California. I
 24 have an obligation to provide sufficient staffing to permit judges on our Court to carry out their
 25

26 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.

27 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.))

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

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

12
13 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
14 is executed this 5th day of September 2024, at Los Angeles, California.

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19 DAVID W. SLAYTON
20 Executive Officer/Clerk of Court
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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.

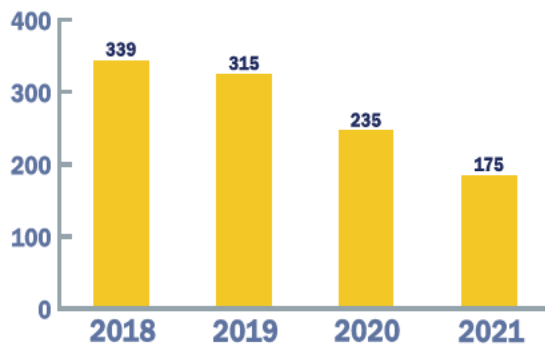
THE PROBLEM: There is a court reporter shortage in California – and across the nation – that has been long developing.

- 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

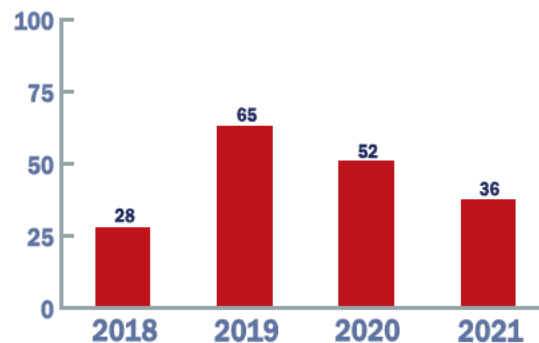
demand remains constant.” [March 29, 2018, letter from the Judicial Council to Hon. Lorena Gonzalez-Fletcher, Chair Assembly Appropriations Committee, re: Assembly Bill 2354.]

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

GRAPH 1: Total CSR Examinees



GRAPH 2: CSR Examinees Who 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.

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](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-reporter-shortage-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 required² 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,⁵ it is estimated that California courts may need up to an additional 650 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 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 “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, www.courts.ca.gov/76328.htm.

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.

¹¹ *Ibid.*

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, www.courtreportersboard.ca.gov/applicants/examstats.shtml.

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 \$183,940.¹⁶ 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 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.²⁰ 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.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 National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics.

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 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,
Los Angeles, CA 90012

NEWS RELEASE

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Media Relations
publicinfo@lacourt.org

FOR IMMEDIATE RELEASE:
February 1, 2023

NATION'S LARGEST TRIAL COURT OFFERS SUBSTANTIAL INCENTIVES TO RETAIN AND RECRUIT OFFICIAL COURT REPORTERS AMID STAFFING SHORTAGE

Signing Bonus, Finder's Fees, Student Loan Assistance Among Solutions Made Possible by State Funding

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

-MORE-

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.

-MORE-

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. Hill St., 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

Significant Increase in Incentives, Targeted Recruitment Marketing Campaign Designed to Entice Court Reporters to Join the Superior Court of LA County

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 [first announced in February](#) 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.

-MORE-

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 one-year 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

-MORE-

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.

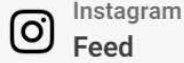
The inability to obtain a verbatim record limits the ability for litigants to seek counsel and advice after a decision is made and deprives litigants the ability to meaningfully preserve critical rights on appeal. It also creates challenges in memorializing the court's ruling in a proposed judgment and 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, [accessed here](#). Qualified court reporters interested in working for the Court can [apply here](#).

###



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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)
- Court Reporter floater bonus 5% per pay period

*Incentives are limited. Be among the first 20 to apply!

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February 22, 2024



SESSION 1:

Ideal for Students, Court Employees
and Public

12:00 p.m. – 1:30 p.m.



SESSION 2:

Ideal for Licensed Stenographers, Voice
Writers and High-Speed Students

6:00 p.m. – 7:30 p.m.

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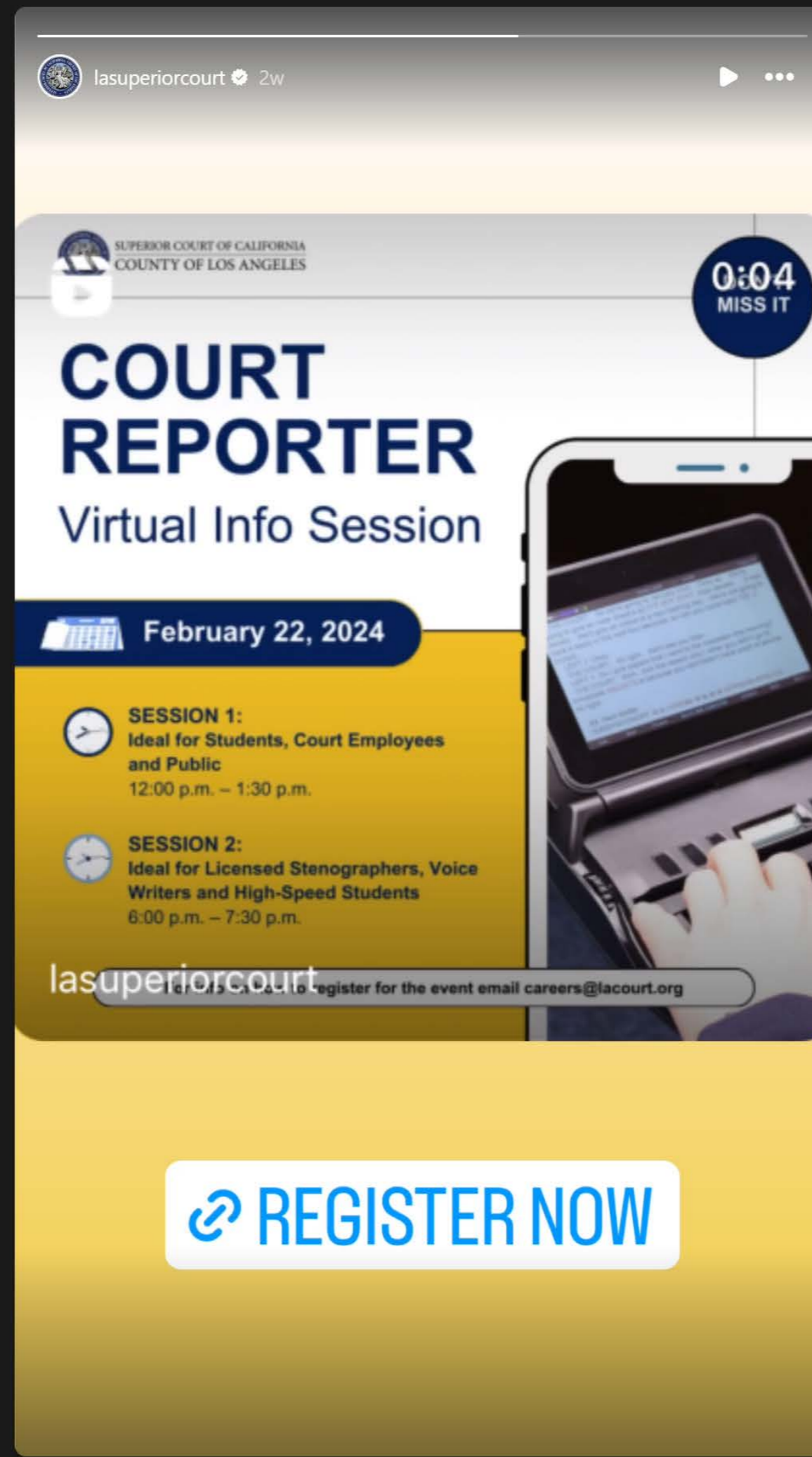
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Info Session



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.



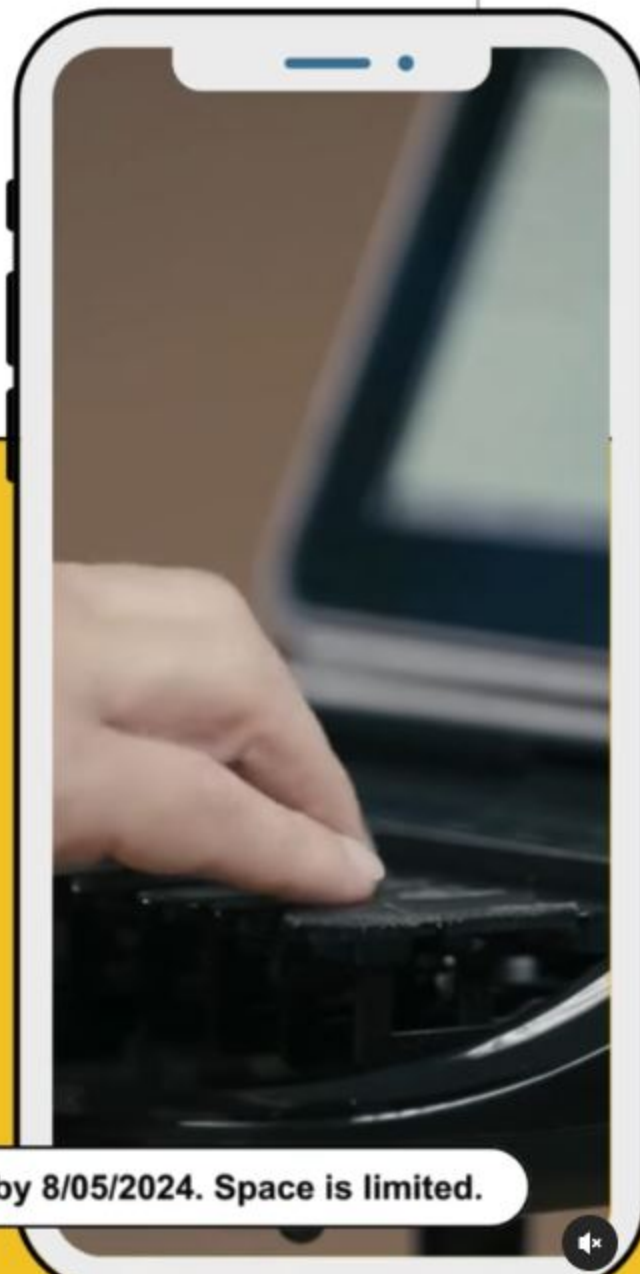
TIME

3:30 p.m. – 6:00 p.m.

LOCATION

Stanley Mosk Courthouse
111 North Hill Street
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Light refreshments will be served. **Registration is required by 8/05/2024. Space is limited.**



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EXHIBIT 3



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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. Slayton 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 [recent report released by the Legislative Analyst’s Office](#) (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.¹ 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.² 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, [SB-662 - Courts: court reporters](#). 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.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

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.

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.

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.⁶ 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 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).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, www.dca.ca.gov/data/annual_license_stats.shtml.

⁹ National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics.

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](#)

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 Jaspersen, 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,

A handwritten signature in black ink, appearing to read 'Ann I. Park', with a stylized, cursive script.

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.¹ 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.² 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, [SB-662 - Courts: court reporters](#). 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.

[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.

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.

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.⁶ 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 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).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

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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%.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.

- 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,

⁸ Department of Consumer Affairs: Data portal, www.dca.ca.gov/data/annual_license_stats.shtml.

⁹ National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics.

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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](#)

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 Jaspersen, 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,

A handwritten signature in black ink, appearing to read 'J. Evans', with a stylized flourish at the end.

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.

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 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,

A handwritten signature in black ink, appearing to be 'J. Evans', written in a cursive style.

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 **act now** to solve this crisis with a readily available solution: pass without haste [SB 662 \(Rubio\)](#) 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

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](#)

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.² 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.³ 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.⁴ 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](#)

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.⁶ 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.

- 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).⁷ 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, www.dca.ca.gov/data/annual_license_stats.shtml.

⁹ National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics.

¹⁰ Department of Consumer Affairs, Licensee List (as of Jan. 2023). www.dca.ca.gov/consumers/public_info/index.shtml.

¹¹ Bloomberg Law, [Aspiring Court Reporters Wait as California Courts Struggle](#), 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, www.courtreportersboard.ca.gov/applicants/examstats.shtml.

- 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, www.courts.ca.gov/76328.htm.



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 Jaspersen, 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 [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 Social
- 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

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 disproportionately 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 [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 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.cprotectiveparents.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

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.¹ Likewise, domestic violence survivors often lose employment as a

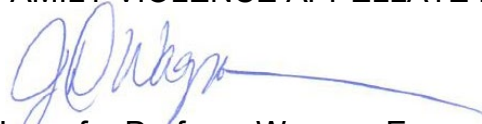
¹ (McLaughlin, 2017).

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.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.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

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.”⁹ 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

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](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.”).

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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

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process and access to justice. **We respectfully ask for your “AYE” vote when this bill comes before your committee.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Lorin Kline", is positioned above the printed name.

Lorin Kline, Director of Advocacy

Jeffrey Webb
Bet Tzedek

Mahdi Manji
Inner City Law Center

Maura Gibney
California Advocates for Nursing Home Reform

Stephanie Davidson
Legal Aid Foundation of Los Angeles

Monique Berlanga
Centro Legal de la Raza

Josh Sullivan
Legal Aid of Marin

Kate Marr
Community Legal Aid SoCal

Gregory E. Knoll, Esq.
Legal Aid Society of San Diego

Melissa Brown
Community Legal Services, McGeorge School of Law

Thomas Drohan
Legal Assistance to the Elderly

Eric Harris
Disability Rights California

Skyler Rosellini
National Health Law Program

Claudia Center
Disability Rights Education and Defense Fund

Minyong Lee
Neighborhood Legal Services of Los Angeles County

Brooke Weitzman
Elder Law and Disability Rights Center

Leigh Ferrin
OneJustice

Teddy Basham-Witherington
Impact Fund

Betsy Butler
The California Women's Law Center

Tina Rosales
Western Center on Law and Poverty

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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

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 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.


- 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

By: 

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 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>



The nation's largest pro bono law 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

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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).



CONSUMER ATTORNEYS
OF CALIFORNIA

C A L I F O R N I A
D E F E N S E
C O U N S E L



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

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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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:



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 · Sacramento, California 95814-4717

Telephone 916-323-3121 · 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.

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.² 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 required² 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,⁵ it is estimated that California courts may need up to an additional 650 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 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 “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, www.courts.ca.gov/76328.htm.

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.

¹¹ *Ibid.*

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, www.courtreportersboard.ca.gov/applicants/examstats.shtml.

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 \$183,940.¹⁶ 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 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.²⁰ 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.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 National Court Reporters Association, www.ncra.org/home/about-ncra/NCRA-Statistics.

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 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.

PO BOX 2488, VALLEY CENTER, CA 92082-2488 ♦ Phone: 760-644-4781
Web: www.strongheartednativewomen.org ♦ Facebook: www.facebook.com/SHNWCInc

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 parties' previous behavior to help the judge assess whether alterations to custody or visitation schedules are warranted.

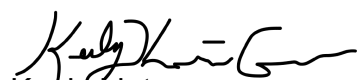
Third, in many California counties, judges serve only one or two years in family court before moving on to another courtroom assignment. As a result, domestic violence survivors are assigned to multiple judges if the case spans more than one or two years, which happens frequently as parents request revisions to custody and visitation determinations over time. Without a transcript detailing the precise basis for 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 Linton
Executive Director
Strong Hearted Native Women's Coalition, Inc.

cc: Family Violence Appellate Project, sponsor (info@fvaplav.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: [SB 662](#), 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.¹ 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.



Self-represented litigants prepare for family law proceedings in a Los Angeles courthouse, where they will likely leave without a verbatim record.



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...

- 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”](#)



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. *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.~~

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.

~~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.

6 (b) The lack of a verbatim record of court proceedings may
7 result in attorneys declining to take cases on appeal or may result
8 in law enforcement being unable to enforce, among others, active
9 restraining orders or child custody and visitation orders.

10 (c) Many Californians, regardless of income, are navigating
11 critical civil legal issues without legal representation or meaningful
12 legal assistance. Nearly 90 percent of people facing eviction are
13 unrepresented, and one or both parties are unrepresented in 70
14 percent of family law cases. The problem is worse for low-income
15 Californians, particularly communities of color, tribal communities,
16 rural Californians, those with disabilities, those who are limited
17 English proficient, seniors, and people who have experienced
18 domestic violence or sexual assault.

19 (d) Under existing law, the verbatim record may only be
20 captured and transcribed by a certified shorthand reporter (CSR)
21 in California courts, however, since 2013, an exception has been
22 made to allow electronic recording in eviction cases, small claims
23 court, traffic court, and misdemeanor criminal cases.

24 (e) A CSR is required to be provided in felony criminal cases
25 and juvenile justice and dependency cases. In all other types of
26 cases, the court is not required to provide a CSR, except upon the
27 request of an indigent litigant. Parties may arrange for the services
28 of a court reporter in all other cases, at an average cost of \$3,300
29 per day.

1 (f) California courts currently employ about 1,200 full-time
2 court reporters. To provide CSRs in mandated cases, courts
3 estimate they will need to hire approximately 650 new court
4 reporters. Over 50 percent of California courts have reported that
5 they do not have CSRs to routinely cover nonmandated cases,
6 including civil, family law, and probate cases, and over 30 percent
7 can never provide CSRs in those cases. Currently, 74.5 percent of
8 courts are actively recruiting official court reporters to fill vacancies
9 throughout California, with 102 court reporter vacancies for the
10 Los Angeles County Superior Court alone.

11 (g) Although indigent litigants are entitled to a CSR free of
12 charge, courts are increasingly unable to fulfill those requests.
13 Instead, indigent litigants, including those seeking domestic
14 violence restraining orders, emergency custody orders, and elder
15 abuse and civil harassment protection orders, are forced to choose
16 whether to proceed with their matter without a verbatim record or
17 to return to court at a later date when a CSR may be available.

18 (h) In 2022, the Legislature appropriated \$32,000,000 for courts
19 to recruit, hire, and retain CSRs. These funds are meant for courts
20 to offer salary raises, bonuses, and educational benefits to
21 incentivize becoming a court reporter. According to the preliminary
22 fiscal year 2022–23 Schedule 7A, court-employed reporters’
23 median total salary and benefits ~~is~~ *are* an estimated \$184,184. This
24 is significantly lower than the cost to hire a court reporter through
25 a private company at \$2,580 per day for a deposition and \$3,300
26 per day for a trial, on average. Additionally, transcripts must be
27 purchased from court reporters. In 2021, the Legislature increased
28 the statutory transcript fees by approximately 30 percent. In the
29 2021–22 fiscal year, California courts spent \$18,400,000 on
30 transcripts.

31 (i) Courts must compete with the private market for CSR
32 services and these services are required, on a daily basis, for
33 thousands of non-court proceedings, including depositions,
34 administrative hearings, arbitration hearings, and cases being heard
35 by private judges.

36 (j) In 2022, there were 5,605 active CSRs of whom 4,829 listed
37 an address in California. The number of licensed CSRs has been
38 steadily dropping from 8,004 in 2000, to 7,503 in 2010, to 6,085
39 in 2020, representing a 30-percent decline since 2000.

1 (k) According to the National Court Reporters Association, the
2 average court reporter is 55 years of age. In California, 44 percent
3 of all licenses were issued 30 years ago or more.

4 (l) Applications to take the CSR licensing exam have declined,
5 and the passage rate is low. In 2018, 369 individuals took the
6 licensing exam, and in 2021, only 175 individuals took the exam.
7 Of those, only 40 individuals passed. In 2015, 96 licenses were
8 issued, and in 2021, only 39 licenses were issued. Currently, only
9 8 court reporter training programs remain in California, down from
10 16 programs in 2011.

11 (m) In January and February of 2023 alone, the Los Angeles
12 County Superior Court was unable to provide a CSR in 52,000
13 nonmandated civil, family, and probate cases. According to
14 calculations by the court, this will result in over 300,000 cases
15 going without a record this year.

16 (n) Where electronic recording is permitted, California has
17 implemented stringent technical standards to ensure the recordings
18 are of high quality and can be transcribed for use to craft orders,
19 provide meaningful access to an appeal, and for use in future
20 proceedings to enforce or modify a court's prior orders.

21 (o) Electronic recordings are subject to the same privacy,
22 ~~protection~~ *protection*, and storage requirements as all other digital
23 records held by California courts, and all California courts are
24 required to maintain digital court files.

25 (p) The Court Reporters Board of California should allocate
26 funding toward recruitment and retention by publicizing the
27 profession to high schools, vocational schools, and higher education
28 institutions.

29 (q) Courts are encouraged to provide senior CSRs as mentors
30 to provisionally licensed CSRs until the expiration of the
31 provisional license and ensure that courts continue to recruit, hire,
32 and retain CSRs to the fullest extent possible.

33 ~~SEC. 2. Section 8028 is added to the Business and Professions~~
34 ~~Code, to read:~~

35 ~~8028. (a) The board may issue a provisional certificate to~~
36 ~~perform the duties of a certified shorthand reporter in a court in~~
37 ~~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.~~

1 ~~(2) The individual is eligible to take the examination approved~~
2 ~~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
9 Professional Examination Services of the Department of Consumer
10 Affairs, shall conduct a review of the examination required for
11 licensure, including all three parts required under Section 2420
12 of Title 16 of the California Code of Regulations to evaluate the
13 necessity of requiring applicants who have passed either the
14 National Court Reporters Association's or the National Verbatim
15 Reporters Association's certification examination to demonstrate
16 competency as a certified shorthand reporter.

17 (b) The board shall evaluate whether the examination pursuant
18 to Section 2420 of Title 16 of the California Code of Regulations
19 should be replaced with acceptance of the National Court
20 Reporters Association's or the National Verbatim Reporters
21 Association's certification examination to establish proficiency in
22 machine shorthand reporting or voice writing required for
23 licensure.

24 (c) The board shall submit its findings to the appropriate policy
25 committees of the Legislature on or before June 1, 2024, during
26 its regular Joint Sunset Review Oversight Hearings.

27 (d) Notwithstanding any other law, if the board, following the
28 evaluation conducted pursuant to subdivision (a), concludes that
29 the California-specific examination is not necessary to establish
30 a minimum level of competency of shorthand reporters and that
31 the examination poses a barrier to licensure as a shorthand
32 reporter, the board may vote to replace the examination with the
33 National Court Reporters Association's or the National Verbatim
34 Reporters Association's certification examination. Until that time,
35 the board may otherwise revise its examination requirements based
36 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,

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,
6 pleas, and sentences of defendants in criminal cases, the arguments
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
14 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
23 shall provide a certified shorthand reporter the right of first refusal
24 to transcribe the electronically recorded proceeding. For the
25 purposes of this section, “certified shorthand reporter” means the
26 same as in Section 8018 of the Business and Professions Code and
27 includes an individual with a provisional certificate issued pursuant
28 to Section 8028 of the Business and Professions Code. *Code.*

29 (c) The court shall make every effort to hire a court reporter for
30 an action or proceeding before electing to have the action or
31 proceeding be electronically recorded pursuant to subdivision (a).

32 (d) Notwithstanding subdivision (a), a court may use electronic
33 recording equipment for the internal personnel purpose of
34 monitoring the performance of subordinate judicial officers, as
35 defined in Section 71601 of the Government Code, hearing officers,
36 and temporary judges while proceedings are conducted in the
37 courtroom, if notice is provided to the subordinate judicial officer,
38 hearing officer, or temporary judge, and to the litigants, that the
39 proceeding may be recorded for that purpose. An electronic
40 recording made for the purpose of monitoring that performance

1 shall not be used for any other purpose and shall not be made
2 publicly available. Any recording made pursuant to this subdivision
3 shall be destroyed two years after the date of the proceeding unless
4 a personnel matter is pending relating to performance of the
5 subordinate judicial officer, hearing officer, or temporary judge.

6 (e) Prior to purchasing or leasing any electronic recording
7 technology or equipment, a court shall obtain advance approval
8 from the Judicial Council, which may grant that approval only if
9 the use of the technology or equipment will be consistent with this
10 section.

11 (f) The Judicial Council shall adopt rules and standards
12 regarding the use of electronic recordings to ensure recordings are
13 able to be easily transcribed.

14 SEC. 4. Section 69957.5 is added to the Government Code, to
15 read:

16 69957.5. (a) The Judicial Council shall collect information
17 from courts regarding how they are utilizing funds appropriated
18 to recruit and hire court reporters. Courts shall include whether
19 the court reporters they have hired are court reporters that are
20 returning to court reporting after having left the profession, coming
21 from another court, coming from the private market, or are new
22 to the profession in California.

23 (b) Beginning January 1, 2025, and annually thereafter until all
24 such funds are expended, the Judicial Council shall report to the
25 Legislature the efforts courts have taken to hire and retain court
26 reporters and how the funds appropriated for this purpose have
27 been spent. The report shall include whether the court reporters
28 that have been hired are court reporters that are returning to court
29 reporting after having left the profession, coming from a different
30 court, coming from the private market, or are new to the profession
31 in California. The report shall comply with Section 9795 of the
32 Government Code.

33 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
34 ~~Section 6 of Article XIII B of the California Constitution because~~
35 ~~the only costs that may be incurred by a local agency or school~~
36 ~~district will be incurred because this act creates a new crime or~~
37 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
38 ~~for a crime or infraction, within the meaning of Section 17556 of~~
39 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

O

EXHIBIT 6



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.

January 19, 2024 at 11:25 AM

3 minute read

Legislation



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 [SB 662](#) 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 [figures](#) 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 [SB 581](#), which would have created 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

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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.

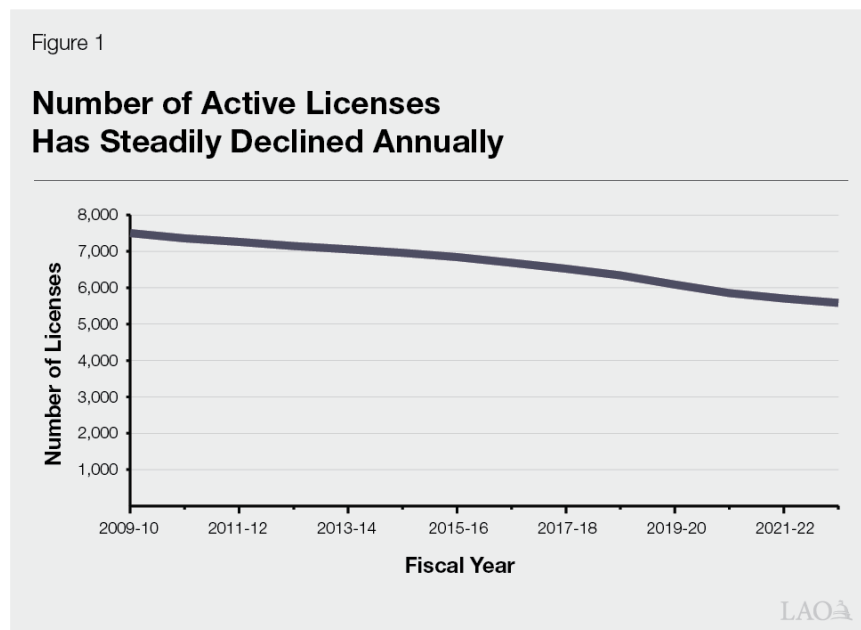
Electronic Recording Used in Lieu of Court Reporters in Certain Proceedings. If a court reporter is not available, state law authorizes trial courts to use electronic recording to make a record in infraction, misdemeanor, limited civil, and Jameson civil case proceedings. When electronic recording is 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.

Figure 2

Two-Thirds of Active In-State Licenses Started Prior to 2001

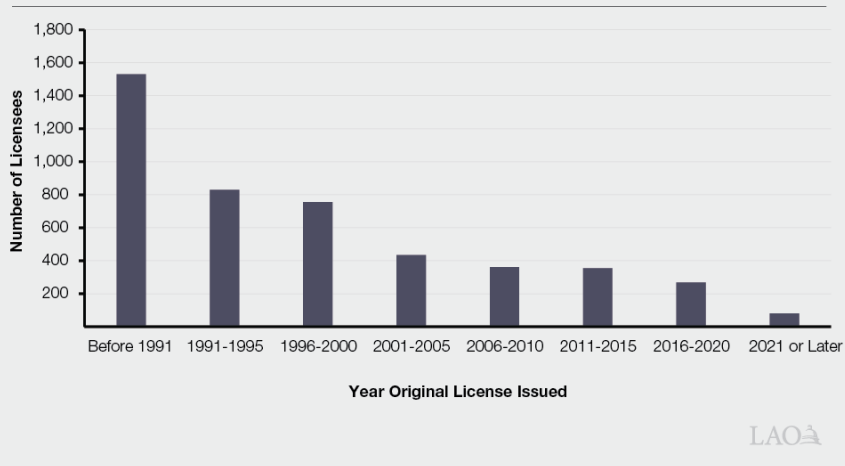
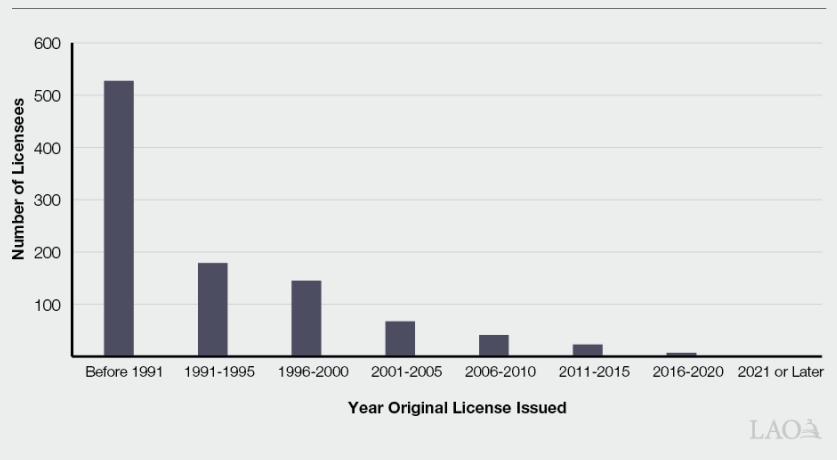


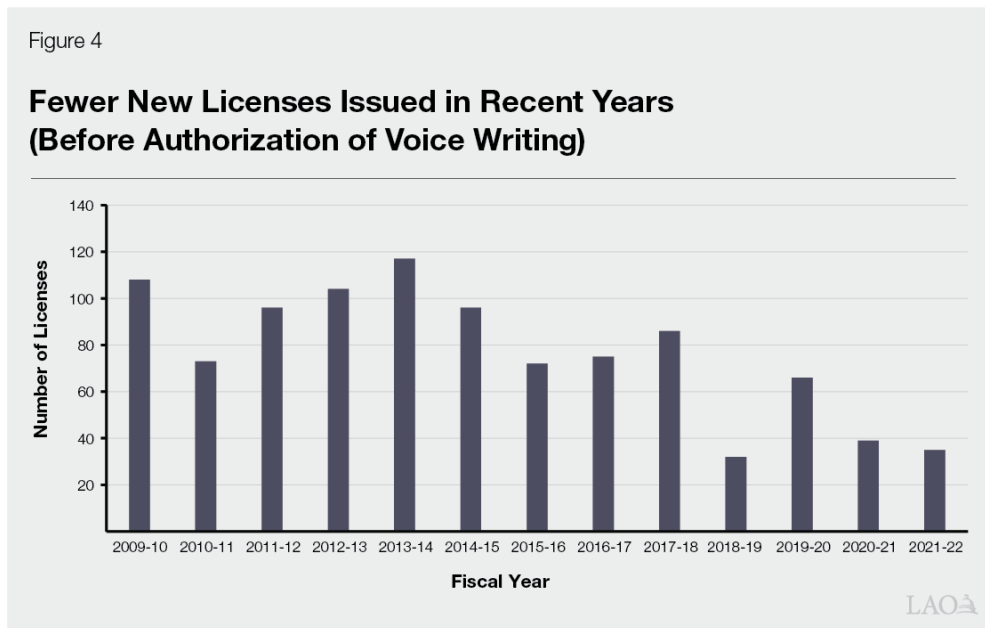
Figure 3

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.

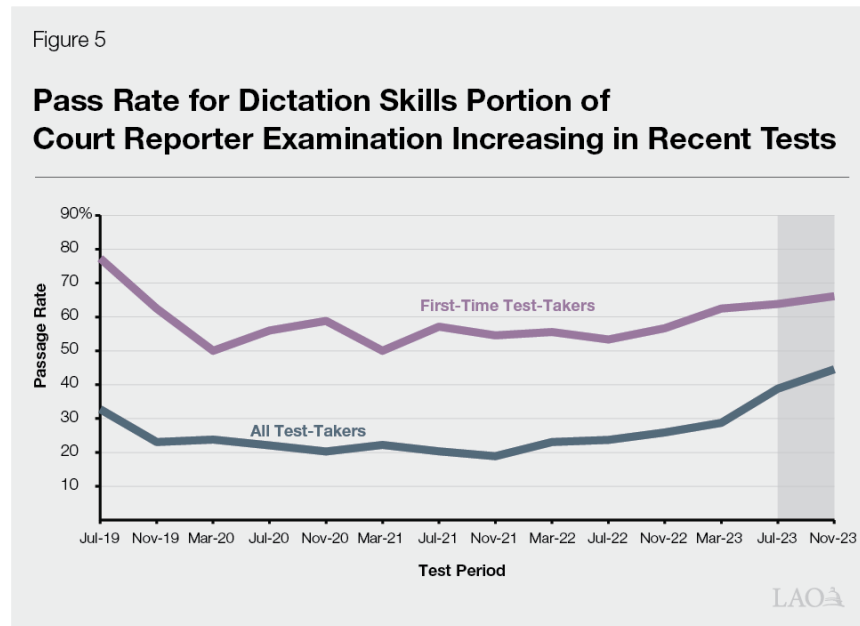


Court Reporters Geographically Concentrated. As of January 2024, active licensees are physically located in 54 out of the state’s 58 counties. Consistent with the state’s overall population distribution, licensees tend to be geographically concentrated in certain counties. Specifically, out of the 4,618 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.

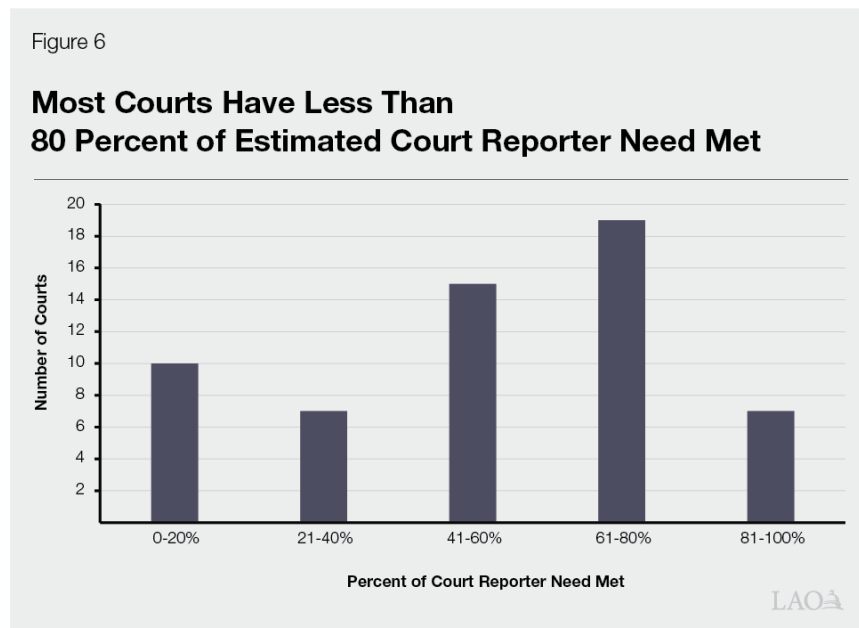
In conversations with stakeholders, the seemingly higher pass rate for voice writers and the shorter time needed to complete court reporting school programs for voice writers could result in more people seeking to become court reporters. (As mentioned above, most individuals qualify for the court reporting 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.

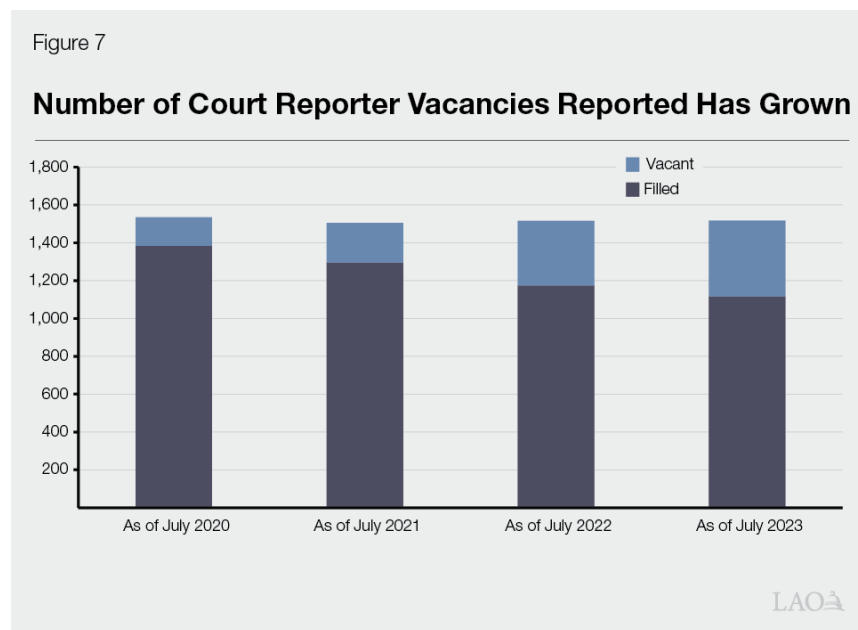
AVAILABILITY OF COURT REPORTERS IN CALIFORNIA TRIAL COURTS

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)	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

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 policies 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^a

(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

^a Does not include expenditures of \$30 million provided annually to increase court reporters in family and civil cases beginning 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 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 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 fees	\$16.7	\$16.0	\$17.5
Proceedings lasting more than one hour	2.1	2.0	1.9
Proceedings lasting less than one hour	3.7	3.3	2.1
Subtotals	(\$22.5)	(\$21.3)	(\$21.5)
Civil Costs Not Offset by Fees			
Estimated costs of court reporters in civil cases	\$86.2	\$84.6	\$80.3
Estimated offsetting revenue	22.5	21.3	21.5
Net Cost	\$63.7	\$63.3	\$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	\$30,000,000	\$30,000,000	\$30,000,000
Expenditures	1,125,140	20,282,279	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.

Figure 12

Amount of \$30 Million Spent by Area^a

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

^a Totals differ from those reported in Figure 11 as this reflects self-reported data reported by individual trial 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.

Figure 13

Estimated Number of Courts Offering Benefits by Area^a

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	14	15
Converting Part-Time Positions to Full-Time	—	—	1
Other	4	26	24

^a Reflects the number of courts who reported offering benefits in these areas.

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 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.

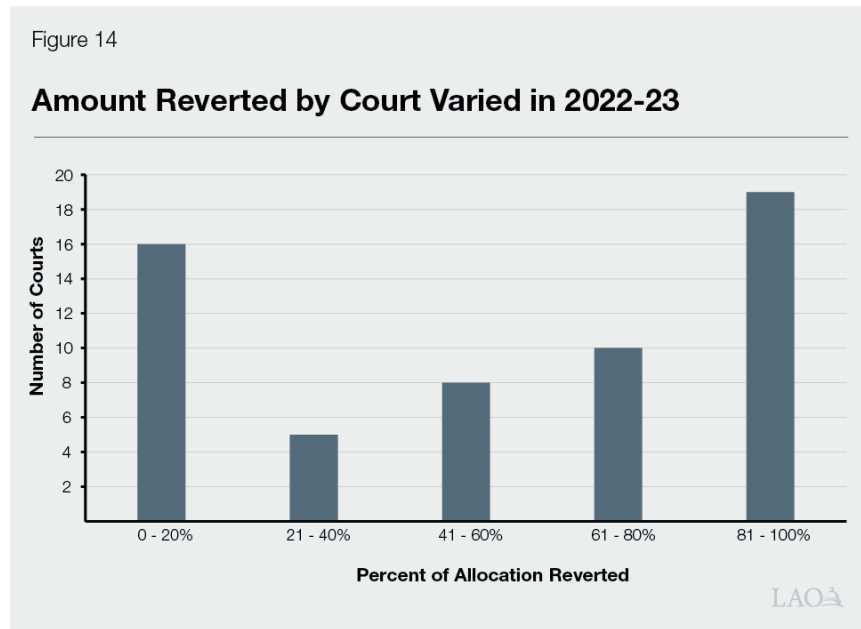


Figure 15

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 Anita.Lee@lao.ca.gov or (916) 319-8321.

Sincerely,



Gabriel Petek
Legislative Analyst

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.

ARTICLE 2 RECOGNITION

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.

ARTICLE 3 IMPLEMENTATION

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.

ARTICLE 4 AUTHORIZED AGENTS

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.

ARTICLE 8 RENEGOTIATION

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: Immediate Supervisor

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: Management:

- 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: Executive Officer/Clerk of Court:

- 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 Rate	Vacation Annual Maximum	Maximum Annual Vacation Days 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 Rate	Vacation Annual Maximum	Maximum Annual 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 www.seiu721.org.

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.

ARTICLE 24 EMPLOYEE LISTS AND INFORMATION

The Union may request a list of the names, employee numbers, item numbers (with sub-items), 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. Underpayments

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 off-duty 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 In-Service Training

- A. Newly hired Court Reporters will receive a minimum of ten (10) days paid in-service training prior to any Court assignment, unless all or any portion of in-service 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 part-time 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

- i) 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

1. 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.

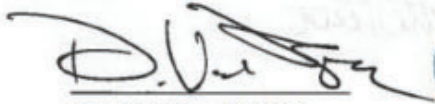
The Committee may also make advisory recommendations to the Executive Officer/Clerk of Court, or designated representative, for consideration.

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:

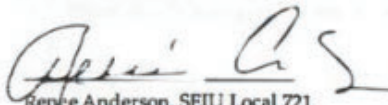
1. LACCRA and Court Reporter Services Management will meet and confer about the form that is to be used and the schedule for completing Court Reporter performance evaluations.
2. To facilitate the transition into the performance evaluation program, the Performance Evaluation Form will not be completed 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



Renee 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

DocuSigned by:
Robert Hunt
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Bob Hunt, Chief Negotiator, SEIU, Local 721

DocuSigned by:
Renee Anderson
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Renee Anderson, Director, SEIU, Local 721

DocuSigned by:
Cindy Tachell
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Cindy Tachell, LACCRA, President

DocuSigned by:
Rosalina Nava
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Rosalina Nava, CSR

DocuSigned by:
Carol Herrera
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Carol Herrera, CSR

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Shanna Gray
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Shanna Gray, CSR

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Lorraine Romin
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Lorraine Romin, CSR

DocuSigned by:
David W. Slayton
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David W. Slayton, Executive Officer/Clerk of Court

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Jay G. Trinnaman
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Jay Trinnaman, Chief Negotiator, Court

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Kathie O'Connell
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Kathie O'Connell, Director

DocuSigned by:
Robbin Hill
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Robbin Hill, Senior Administrator

DocuSigned by:
Bryan Lui
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Bryan Lui, Managing Court Reporter

DocuSigned by:
Jesse Pickelsimer
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Jesse Pickelsimer, Managing Court Reporter

DocuSigned by:
Joi L. Williams
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Joi L. Williams, Deputy Director Labor Relations

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Reyna Ota
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Reyna Ota, CSR

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Michele Baumberger
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Michele Baumberger, Administrator II

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Marlene Burris, CSR

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Jasmine Leonard, HR Manager,
Labor Relations

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Jaclyn Verkler, CSR

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Bianca Torres
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Bianca Torres, CSR