

**LOS ANGELES SUPERIOR COURT POLICY
REGARDING NORMAL AVAILABILITY OF OFFICIAL COURT REPORTERS AND
PRIVATELY ARRANGED COURT REPORTERS**

- **Local Rules suspended, and availability of court reporters limited, effective May 15, 2012.** Effective May 15, 2012, and thereafter until further order of the Court, existing published local rules regarding normal availability of court reporters are suspended pursuant to an order of the Presiding Judge, as approved by the Executive Committee; and in lieu thereof, official court reporters will normally be available in criminal, juvenile, family law, and probate matters. Official Court reporters will not normally be available for civil trials, but will normally be available for general jurisdiction morning calendar matters until Friday, June 15, 2012.
- **Official Court reporters will be available in general jurisdiction civil courts for non-trial matters only, two ½ days a week per a published staffing schedule, effective Monday, June 18, 2012.** Effective June 18, 2012, official court reporters will normally not be available for civil proceedings other than two ½ day periods per week for non-trial matters in general jurisdiction civil courtrooms, as set forth in a Court Reporter Staff Assignment List (CRSAL) that will be posted in the clerk's office in each courthouse, and on the Court's website. Parties should regularly check the CRSAL for days and times official court reporters are normally available in any general jurisdiction civil courtroom.
- **Parties may arrange for privately retained reporters by stipulation and order, effective May 15, 2012.** Effective May 15, 2012, parties may, by stipulation, arrange for the appointment of a privately retained certified shorthand reporter to serve in the matter as an official court reporter pro tempore where an official court reporter is not normally available. A copy of the Court Approved Stipulation and Order form will be posted on the Court's website, and available in the clerk's office.
- **Parties may privately arrange for the appointment of a Court approved official court reporter pro tempore without a stipulation, from a list of such reporters that will be available on or about July 1, 2012.** The names and contact information for a list of Court approved certified shorthand reporters, who can be privately arranged and appointed as an official court reporter pro tempore without stipulation of the parties, will be posted on the Court's website on or about July 1, 2012.

PRIVATELY ARRANGED COURT REPORTERS

Table of Contents

Page:

1.	Party's right to arrange for the presence of a certified shorthand reporter to serve as an official court reporter pro tempore	1
2.	Notices	1
	A. Clerk's office posting	1
	B. Newspaper publication and website posting	1
	C. Courtroom calendars	2
3.	Indigent Litigants: Courts are not required to provide official court reporters in civil matters to indigent litigants	2
4.	Privately arranging for a certified shorthand reporter	2
	A. Appointment order and stipulation required if the arranged certified shorthand reporter is not on the Court approved pro tempore list (available on or about July 1, 2012)	3
	B. Appointment order but no stipulation required if the arranged certified shorthand reporter is on the Court's approved pro tempore list (Available on or about July 1, 2012)	3
	C. Court reporter agreement for appointment	3
	1. To maintain current contact information with the Court as directed by the Court's Director of Legal/Support Services	4
	2. That appearance fees, including real time fees, are the responsibility of the party or parties who arranged the reporter services, and may not be charged to the Court	4
	3. To comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts	4
	4. To leave reporting notes or an electronic copy with the Court as directed by the Court's Director of Legal/Support Services	4
	5. To follow directions from the court	4
	6. To be available for reading of transcripts back to the jury if serving during a jury trial	4
	7. If employed as 3/5th official court reporter for the Court, that service as a privately arranged court reporter pro tempore will not be permitted to interfere in any way with employment obligations to the Court	4
	D. Original transcripts may be ordered to be lodged with the Court ..	5
	E. Original and certified transcripts are admissible evidence	5

5.	Court Approved Pro Tempore Official Reporters List (available on or about July 1, 2012)	5
	A. Inclusion of Court's 3/5ths official reporters on initial list	5
	B. Inclusion of Court's recently terminated official reporters on initial list	6
	C. Requests from certified shorthand reporters for inclusion on the list	6
6.	Approved Orders and Stipulations	6
	A. Stipulation and order for appointment of privately arranged certified stenographer who is not on the Court's approved list	6
	B. Order for appointment of privately arranged certified stenographer who is on the Court's approved list	9

PRIVATELY ARRANGED COURT REPORTERS

1. Party's right to arrange for the presence of a certified shorthand reporter to serve as an official court reporter pro tempore.

Parties in civil cases—unlike criminal cases—do not have a constitutional right to have a court reporter. However, parties do have statutory rights to notice and to arrange at their own expense for the presence of a certified shorthand reporter that the court may appoint to serve as an official court reporter pro tempore for their hearing or trial. Government Code section 68086; California Rule of Court 2.956. Such an arranged certified shorthand reporter must be appointed as an official court reporter pro tempore by the judge presiding in the department where the trial or hearing will occur. Government Code section 70044. If the official shorthand reporter is on the Court's approved pro tempore list, no stipulation of the parties is required. *Id.* However, an order of appointment is still required. *Id.* If the certified shorthand reporter is not on the Court's approved pro tempore list then a written stipulation of the parties is required, as well as an order of appointment. *Id.* If a timely request to arrange for a certified shorthand reporter is not made and approved, there is no obligation on the Court to provide or permit any transcription record at all of the proceeding. *See, e.g., Los Angeles County Court Reporters Assn. v. Superior Court* (1995) 31 Cal.App.4th 403, 406-407 & fn. 2.

Government Code section 68086 directs the Judicial Council to “adopt rules to ensure ... [t]hat parties are given adequate and timely notice of the availability of an official court reporter,” so that they may arrange for their own reporter if an official reporter of the Court will not be available. The Court has implemented a wide range of these notices in an effort to give parties adequate and timely notice of the normal availability, and non-availability of official court reporters.

2. Notices.

- A. Clerk's office posting.** The Court's policy enumerating the departments in which the services of official court reporters *are normally available*, and the departments in which the services of official court reporters are *not normally available* during regular court hours will be posted in the main clerk's office in each courthouse. If the services of official court reporters are *normally available* in a department only for certain types of matters, those matters will be identified in the policy. California Rule of Court 2.956(b)(1).
- B. Newspaper publication and website posting.** The Court will also publish its policy in a newspaper. California Rule of Court 2.956(b)(2). In addition, the Court will publish its policy on its website. The Court's Local Rules are currently inconsistent with the availability of court reporters in

civil proceedings, and cannot be amended in time to be consistent with the budget deficit plans the Court is required to implement. Pursuant to California Rule of Court 10.603(a) and Local Rule 1.7, the Presiding Judge has temporarily suspended Local Rules 2.23 and Appendix C to the extent that they are inconsistent with the adopted budget deficit plans, and directed that the Court's policy on the availability of court reporters be published in a legal newspaper and on the Court's website. The adopted policy that will be published is set forth above. Parties should regularly check the Court's website for updates on court reporter availability as the Court does not have the resources to and does not plan to exercise its discretion to send notice of court reporter availability to parties in advance of hearings.

C. Courtroom calendars. If the services of an official court reporter will not be available during a hearing on law and motion or other nontrial matters in civil cases that fact should be noted in the Court's official calendar. California Rule of Court 2.956(b)(4). According to the AOC Office of General Counsel, "Official Calendar" means an official list of cases that are scheduled for hearing, such as the daily docket sheet for a law and motion department.

3. **Indigent Litigants:** Courts are not required to provide official court reporters in civil matters to indigent litigants. Although Code of Civil Procedure section 269 can be read to require that an official reporter or reporter pro tempore of the court make an official transcript in any civil case where a party requests one, Government Code section 68086, which references section 269, requires the Judicial Council to adopt rules permitting courts to adopt a policy of not having court reporters available for hearings and trials in civil matters. California Rule of Court Rules 3.55 and 3.56 mention court reporters fees as fees that can be waived for indigents. However, the rule does not create a right to have an official court reporter present. The rule merely creates a waiver of official court reporters' fees when one is present. Nothing in these rules grant the recipient of a fee waiver a right to a free official court reporter where none is provided by the court.
4. **Privately arranging for a certified shorthand reporter.** The parties may arrange for a certified shorthand reporter to serve as an official pro tempore reporter. Advance notice to the Court of an intention to do so is not required. Government Code section 68086(a)(5)(b) provides "[t]hat if an official court reporter is not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable" as a taxable cost. California Rule of Court 2.956(c) similarly so provides, adding that it is that parties' responsibility to pay the reporter's fee for attendance at the proceeding.

- A. Appointment order and stipulation required** if the arranged certified shorthand reporter is not on the Court approved pro tempore list (available on or about July 1, 2012). Government Code §70044, which is applicable to the Los Angeles Superior Court (Gov. Cd. §70041(e)), and which permits the judge presiding in a department to appoint a pro tempore official court reporter when a regular official reporter is unavailable, provides that if “such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceedings to be reported by such pro tempore reporter.” The stipulation must be on the approved stipulation form that is set forth herein. The stipulation should be arranged in advance of hearing. An order from the judge presiding in the department where the trial or hearing will occur, appointing the certified shorthand reporter to serve as an official court reporter pro tempore in a particular case is also required. Government Code §70044. Such orders may be obtained on the day of the hearing or trial by a party accompanied by the proposed certified shorthand reporter, on the stipulation and order form set forth herein, that has been signed by the reporter and the appearing parties. Parties appearing through Court Call may stipulate orally, which stipulation should be noted in a minute order.
- B. Appointment order but no stipulation required** if the arranged certified shorthand reporter is on the Court’s approved pro tempore list (Available on or about July 1, 2012). No stipulation is required for a pro tempore official reporter who has passed the test on qualifications and has a certificate thereof on file among the records of the Court, and who has been appointed pursuant to Government Code section 69941. However, an order from the judge presiding in the department where the trial or hearing will occur, appointing the certified shorthand reporter to serve as an official court reporter pro tempore in a particular case is required. Government Code §70044. Such orders may be obtained on the day of the hearing or trial by a party accompanied by the proposed certified shorthand reporter, using the approved order set forth herein after the reporter agreement thereon has been signed by the certified shorthand reporter. Government Code section 69941 permits a superior court to appoint as many official court reporters pro tempore as are deemed necessary for the performance of the duties and the exercise of the powers conferred by law upon the court and its members. The judges of the Court have delegated this authority to the Executive Officer of the Court and to the Presiding Judge, pursuant to California Rules of Court 10.603(a), 10.610(b), and Local Rule 1.6(b) and (e).
- C. Court reporter agreement for appointment.** Although privately retained certified shorthand reporters may be arranged by a party to serve as an

official court reporter pro tempore, they must be appointed as such by the judge presiding in the department where they will serve. Government Code §§ 70043, 70044. Real time reporting is preferred. The Court has determined that to be appointed as an official court reporter pro tempore, a certified shorthand reporter must confirm and agree:

1. **To maintain current contact information with the Court as directed by the Court's Director of Legal/Support Services.** Government Code §68086(a); California Rule of Court 2.956(c).
2. **That appearance fees, including real time fees, are the responsibility of the party or parties who arranged the reporter services, and may not be charged to the Court.** Government Code §69086(a)(5)(B); Code of Civil Procedure §128(a); California Rule of Court 2.956(c).
3. **To comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts, and the form of the appellate record.** See, e.g., Code of Civil Procedure §269, *et seq.*; California Rules of Court 8.130, 8.144.
4. **To leave reporting notes or an electronic copy with the Court as directed by the Court's Director of Legal/Support Services.** Government Code §69955 provides that reporting notes are "official records of the court," and must be kept by the reporter in a place designated by the court, or, if ordered by the court, delivered to the clerk. The notes must be labeled and indexed, and instructions for accessing notes not in paper form must be documented; and may be kept in any communication form, including paper, electronic, magnetic media, or other appropriate technology. *Id.*
5. **To follow directions from the court, and to be subject to the jurisdiction of the court to the same extent as an official reporter.** Code of Civil Procedure §128(a).
6. **To be available for reading of notes back to the jury if serving during a jury trial.** Code of Civil Procedure §128(a).
7. **If employed as 3/5th official court reporter for the Court, that service as a privately arranged court reporter pro tempore will not be permitted to interfere in any way with employment obligations to the Court.** Code of Civil Procedure §128(a).

D. Copies of transcripts may be ordered to be lodged with the Court. Any party ordering that proceedings reported by a privately retained official court reporter pro tempore be transcribed may be ordered by the court to lodge a copy of the transcript with the Court. Code of Civil Procedure §128(a).

E. Original and certified transcripts are admissible evidence. Transcripts prepared by a privately retained certified shorthand reporter appointed by Court as an official Court reporter pro tempore are admissible evidence. Code of Civil Procedure section 273(a) makes the certified transcript of an official Court reporter pro tempore admissible. Unofficial transcripts prepared by other than official Court reporters or official Court reporters pro tempore are not admissible. Code of Civil Procedure section 273(b); *Redwing v. Moncravie* (1934) 138 Cal. App. 432, 435; *Reid v. Reid* (1887) 73 Cal. 206; *Estate of Benton* (1901) 131 Cal. 472 at 472-480. Note that this is not a problem with regard to deposition testimony in the same case, as the discovery provisions of the Code of Civil Procedure make that testimony admissible in the same case (Code of Civil Procedure § 2025.620). Use of such deposition testimony in other cases is controlled by Evidence Code provisions. See, e.g., Evidence Code section 1291.

5. Court Approved Pro Tempore Official Reporters List (available on or about July 1, 2012). The Court will provide a list of pro tempore official reporters who have passed the test on qualifications and have a certificate thereof on file among the records of the Court as prescribed in Government Code section 69941(which superceded former Government Code section 69943). Parties privately arranging to use a certified shorthand reporter from the list will not be required to submit a stipulation from the parties for the Court to appoint such reporter to serve as an official Court reporter pro tempore in the case. Government Code section 70044. The list will be available on the Court's website on or about July 1, 2012.

A. Inclusion of Court's 3/5ths official reporters on initial list. The list will initially include those Los Angeles Superior Court official Court reporters who request to be on the list and who have been placed on 3/5ths time, and who are permitted to serve as privately arranged certified shorthand reporters for private parties on days they are not serving as official Court reporters for the Court, to the extent that such private service does not interfere with their service as official Court reporters for the Court. Such official reporters have passed the test on qualifications and have a certificate thereof on file among the records of the Court as is required for inclusion on the list as prescribed in Government Code section 70044. Reporters who are unable to perform their duties to the Court as a result

of the acceptance of work as a privately arranged certified shorthand reporters may be removed from the approved list.

- B. Inclusion of Court's recently terminated official reporters on initial list.** The list will also initially include those Los Angeles Superior Court official Court reporters who request to be on the list who are in good standing but whose services have been terminated for budgetary reasons. Such official reporters have passed the test on qualifications and have a certificate thereof on file among the records of the Court as is required for inclusion on the list as prescribed in Government Code section 70044.
- C. Requests from certified shorthand reporters for inclusion on the list.** The Court will post on its website the qualifications and an application form for certified shorthand reporters to be included on the list.

6. Approved Orders and Stipulations:

- A. Stipulation and order for appointment of privately arranged certified stenographer who is not on the Court's approved list.**

Stipulation and Order to Use Certified Shorthand Reporter

_____ Case Number: _____
v. _____ Courthouse: _____
_____ Department: _____

Reporter Information:

Name: _____ License No. _____
Address: _____ Phone No. _____
_____ Email: _____

Court Reporter Agreement

By signing this agreement, and accepting this appointment as an official Court reporter pro tempore in this matter, the Reporter confirms and agrees: (1) to maintain current contact information with the Court as directed by the Court's Director of Legal/Support Services; (2) that appearance fees, including real time fees, are the responsibility of the party or parties who arranged the reporter services, and may not be charged to the Court. (3) to comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts in the proper appellate form; (4) to leave reporting notes or an electronic copy with the Court as directed by the Court's Director of Legal/Support Services; (5) to follow directions from the Court, and to be subject to the jurisdiction of the court to the same extent as an official reporter; (6) to be available for reading of notes back to the jury if serving during a jury trial; and (7) if employed as 3/5th official Court reporter for the Court, that service as a privately arranged Court reporter pro tempore will not be permitted to interfere in any way with employment obligations to the Court.

Date: _____

Order Appointing Court Reporter Pro Tempore

Pursuant to Government Code §§ 68086, 77004, and California Rule of Court 2.956, and the stipulation of the appearing parties set forth on the pages following this order, the above identified certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement set forth above. Any party who orders proceedings transcribed by the official Court reporter pro tempore may be ordered to lodge a copy of the transcript with the Court.

Good Cause Appearing therefor, IT IS SO ORDERED.

Date: _____

- B. Order for appointment of privately arranged certified stenographer who is on the Court's approved list.

Order Appointing Court Approved Reporter as Official Reporter Pro Tempore

v. _____

Case Number: _____

Courthouse: _____

Department: _____

Reporter Information:

Name: _____

License No: _____

Bus. Address: _____

Phone No. _____

Email: _____

Court Reporter Agreement

By signing this agreement, and accepting this appointment as an official Court reporter pro tempore in this matter, the Reporter confirms and agrees: (1) to maintain current contact information with the Court as directed by the Court's Director of Legal/Support Services; (2) that appearance fees, including real time fees, are the responsibility of the party or parties who arranged the reporter services, and may not be charged to the Court. (3) to comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts in the proper appellate form; (4) to leave reporting notes or an electronic copy with the Court as directed by the Court's Director of Legal/Support Services; (5) to follow directions from the Court, and to be subject to the jurisdiction of the court to the same extent as an official reporter; (6) to be available for reading of notes back to the jury if serving during a jury trial; and (7) if employed as 3/5th official Court reporter for the Court, that service as a privately arranged Court reporter pro tempore will not be permitted to interfere in any way with employment obligations to the Court..

Date: _____

Order Appointing Court Reporter Pro Tempore

Pursuant to Government Code §§ 68086, 77004, and California Rule of Court 2.956, the above identified certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement set forth above. Any party who orders proceedings transcribed by the official Court reporter pro tempore may be ordered to lodge a copy of the transcript with the Court.

Good Cause Appearing therefor, IT IS SO ORDERED.

Date: _____