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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO**

In re Findings Concerning Availability  
of CSR Court Reporters for the Solano  
County Superior Court

**I.  
FINDINGS**

**A. STATEWIDE AND NATIONAL SHORTAGE OF COURT  
REPORTERS**

As set forth in the report prepared by the California Trial Court Consortium (“CTCC”) dated January 25, 2022, entitled “*The Causes, Consequences and Outlook of the Court Reporter Shortage in California and Beyond*” there is a shortage of certified shorthand reporters (“CSR”) in California and nationally. <sup>1</sup>

Since 2012, the number of court reporters in the United States has decreased by 20 percent. By 2028, the number of court reporters will have decreased by half. This decrease is largely attributed to attrition in the stenographer workforce due to retirement. For example, nationally 1,120 stenographers retire each year, while only 200 new reporters enter into the market.

The reduction of students entering into the workforce to become a CSR has also impacted court reporter schools nationwide. Between 2012 and 2021, the number of court reporter schools approved by the National Court Reporters Association reduced from 54 to 26.

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<sup>1</sup> The findings concerning the statewide and national shortage of court reporters summarized herein, and the data which supports those findings, is set forth in the CTCC report.

1 In California, court reporting programs have reduced from 16 in 2011 to 9 in 2021, a 44%  
2 decline. The California exam for licensure is also rigorous. Between 2018 and 2021, the  
3 dictation passage rate for the exam ranged from 8 to 21 percent. In 2019-20, the Court  
4 Reporters Board of California issued licenses to 66 new reporters; in 2020-21, 39 new court  
5 reporters were licensed. No reciprocity exists in California for reporters licensed in other  
6 states. Between 2014 and 2021, the total number of licensed court reporters declined from  
7 7,058 to 5,728 of which only 5,043 reside in California.

8 Legal changes have also impacted the ability of a court to hire a CSR. In 2019, AB5  
9 was adopted establishing limits on the ability of an employer to classify a temporary  
10 employee as an independent contractor. This reduced access to freelance reporters willing to  
11 work on a part-time or on-call basis for the court. In addition, changes to the Public  
12 Employment Retirement System also impacted retirees, including a six-month waiting period  
13 for retirees prior to returning. As a result of these changes, access to reporters who might  
14 desire to work intermittently after retirement was reduced.

15 Finally, in 2022, the legislature limited the ability of a court reporter to appear using  
16 remote technology. (Code of Civ. Proc., § 367.75.)

17 In conclusion, a court reporter shortage exists both in California and nationally which is  
18 unlikely to be resolved in the immediate future.

## 19 **B. COURT REPORTER AVAILABILITY FOR THE SOLANO COUNTY** 20 **SUPERIOR COURT**

21 The Solano County Superior Court values its court reporters and the importance of a  
22 verbatim record in the form of certified transcript for the administration of justice in all  
23 proceedings.

1           1.       The Solano County Superior Court has authorized 14 full-time equivalent  
2 (FTE) CSR positions and additionally utilizes the services of 4 retired annuitants to provide  
3 CSR services to the Solano County Superior Court.

4           2.       Until February 1, 2022, the court was able to regularly provide the services of  
5 a CSR in all cases, including civil, family and probate. Due to the inability to hire additional  
6 reporters to fill vacancies due to attrition, on February 1, 2022, the Solano County Superior  
7 Court adopted a policy limiting court reporters to juvenile matters, felony cases, civil  
8 commitments, habeas corpus, certain grand jury proceedings, certain family law matters  
9 involving minor testimony, contempt proceedings, guardianships, probate conservatorships  
10 and timely requests for the services of a court reporter for persons with approved fee waivers  
pursuant to *Jameson v. Desta* (2018) 5 Cal.5th 594.

11           3.       After the attrition of two additional reporters between February 1 and March  
12 29, 2022, the court amended its policy to provide that court reporters would not normally be  
13 available in guardianships and probate conservatorships.

14           4.       As of July 1, 2024, the court employs the equivalent of 10.7 reporters. Nine  
15 (9) full-time reporters and three part-time reporters. The Court is able to supplement these  
16 reporters with the services of four retired annuitants on a limited basis.

17           5.       The court has taken significant steps in an effort to recruit and retain court  
18 reporters:

19           A.       Since November 2020, the court has been continuously recruiting to hire any  
20 full-time or part-time court reporters. The court has received no qualified applicants during  
this time frame.

21           B.       In January, 2022, the court increased wages and benefits for court reporters in  
22 an effort to recruit and retain reporters.

1 C. The court has aggressively recruited to fill reporter vacancies including  
2 utilizing job postings with the California Court Reporters Association, National Court  
3 Reporters Association, Indeed, governmentjobs.com and the court's own website. The court  
4 has also listed its vacancies with local court reporter schools. In addition, the court has  
5 engaged in targeted recruitment of licensed court reporters in proximity to Solano County.

6 D. The court has changed its calendars, setting guides and reassigned caseloads  
7 to focus use of existing reporters solely on matters that must be reported by law. The court  
8 has eliminated reporting in cases where reporting is not mandated by law.

9 Despite these ongoing efforts, the court is experiencing a shortage of court reporters.  
10 This shortage is not unique to Solano County. Of the 41 courts participating in the CTCC  
11 report, a total of 209 FTE positions were authorized for CSR, with 49 reported vacancies.  
12 Most of these vacancies have been persistent and have existed for more than 12 months.  
13 Additional challenges are presented to ensuring adequate access to CSRs in light of the need  
14 to provide relief for vacations, illness or injury or when special proceedings such as death  
15 penalty cases arise which require additional resources in order to provide statutorily  
16 mandated daily transcripts.

## 16 **II. DUE PROCESS FINDINGS**

17 Despite diligent and significant effort, the court is unable to provide a certified  
18 shorthand reporter in all matters due to the statewide and national shortage of CSRs. However,  
19 the court must continue to fulfill its core judicial functions.

20 Due process requires the availability of an adequate record to afford appellate review.  
21 Further, the absence of a record can impact the ability of the assigned judicial officer to recall  
22 the proceedings, evidence or testimony or undertake functions such as preparation of a settled  
23 statement. Electronic reporting is currently authorized by statute for use in certain matters,

1 including misdemeanor criminal matters, limited jurisdiction matters, traffic and infractions.  
2 In the absence of an available CSR, use of electronic reporting provides an adequate record to  
3 ensure the parties are afforded due process and to permit the court to fulfill its the core function:  
4 the administration of justice. Despite statutory limits on the use of electronic reporting, due  
5 process requires that electronic reporting be utilized in the absence of a CSR.

6 **IT IS SO ORDERED.**

7  
8 Dated: \_\_\_\_\_

\_\_\_\_\_  
Superior Court Judge