

## **POLICY REGARDING NORMAL AVAILABILITY AND UNAVAILABILITY OF OFFICIAL COURT REPORTERS**

### **A. POLICY REGARDING AVAILABILITY OF COURT REPORTERS**

Effective February 1, 2022, official court reporters are normally available in all felony and juvenile proceedings, guardianships, civil commitment and contempt proceedings, LPS and probate conservatorship trials, habeas corpus evidentiary proceedings, grand jury proceedings when requested by the district attorney, Family Law proceedings pursuant to Family Code, §§ 3042, 3410, 7892 and 9005 and any other proceeding in which an official court reporter is mandated by law.

Official court reporters are not normally available in all other civil, family and probate matters including pretrial proceedings, proceedings related to restraining orders, and court and jury trials. Official court reporters are not normally available in all Department of Child Support Services proceedings.

Infractions, misdemeanor, small claims and limited civil proceedings will be reported electronically as authorized by statute.

In his or her discretion, a judicial officer may utilize electronic recording in cases in which court reporters are not normally available and electronic recording is not statutorily authorized for personal notetaking purposes. Any such recording is intended for the judicial officer's personal use and shall not be an official record. (Cal. Rules of Court, rule 10.500.)

### **B. REQUESTS FOR OFFICIAL COURT REPORTER IN PROCEEDING NOT NORMALLY REPORTED**

A party requesting an official court reporter in a matter in which an official reporter is not normally available must file and submit a timely request and make arrangements to satisfy the applicable fee or qualify for a fee waiver if one has not been previously approved. Due to the statewide shortage of court reporters and the duty to prioritize official reporters for proceedings in which reporting is mandated, the court may not be able to guarantee access or continuous access to an official court reporter without delay or interruption.

A party may request an official court reporter for any proceeding which is not normally reported and is not subject to electronic recording by filing a written request (Form 3020-CV) not less than 10 days before the hearing date, or at the time the hearing is set if less than 10 days. The form shall be filed with the court or emailed to the Court Reporter Coordinator at [reporterrequest@solano.courts.ca.gov](mailto:reporterrequest@solano.courts.ca.gov). Any request submitted to the court shall additionally be immediately served on the opposing party. Untimely requests will not be processed.

Upon receipt of a written request for a court reporter in any civil, family or probate matter, an official court reporter will be scheduled, subject to availability. For each proceeding lasting less than one hour, a fee of \$30 shall be charged for the cost of the services of an official court reporter. For each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service shall be charged per one-half day to the requesting party, on a pro rata basis for the services of an official court reporter on the first and each succeeding judicial day those services are provided. The fees do not apply to a litigant who has an active fee waiver on file.

If after a party requests the presence of an official court reporter it appears that none will be available, the court will notify the party as soon as possible.

### **C. PROCUREMENT OF PRIVATE REPORTER PRO TEMPORE**

For matters in which the court does not normally provide an official court reporter, or in circumstances in which an official court reporter is not available despite a timely request (and no fee waiver is involved), a party or parties may privately arrange for certified shorthand reporter services to serve as the official reporter pro tempore at the party's own expense pursuant to Government Code, section 68086 and California Rules of Court, rule 2.956.

There can only be one official record of court proceedings and only one reporter appointed by the court may report a court proceeding. (CCP, § 273; Govt. Code, §§ 66941, 70043, 70044.) When a party arranges for a reporter, the reporter must be appointed as an official reporter pro tempore before the hearing begins. Every reporter who is not otherwise on a court-approved list of reporters pro tempore shall complete and sign the Request for Appointment of Official Reporter Pro Tempore (Form 3021-CV).

The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees although the parties may arrange to share the fees. If the parties are unable to agree on a reporter, the court will select the reporter to be used.

A reporter appointed as a Reporter Pro Tempore shall agree to the following:

- (1) The reporter has a valid, current California Certified Shorthand Reporter License and is in good standing with the Court Reporters' Board of California.
- (2) The reporter will provide current contact information to the court.
- (3) All fees for reporting services, including appearance, transcript and real-time fees, are the responsibility of the party or parties who arranged for the reporter's services and may not be charged to the court.
- (4) The reporter will comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts, including those for appeals, in the proper form.
- (5) The reporter will comply with the court's requirements regarding uploading electronic archiving of notes within 48 hours of the date of the proceedings except in extenuating circumstances as approved by the Court Reporter Coordinator.
- (6) The reporter will follow directions from the court and will be subject to the jurisdiction of the court to the same extent as an official reporter.
- (7) The reporter will be available for read back of notes taken during a jury trial within 1 hour of the court's request.
- (8) If providing real-time reporting, the court reporter will furnish the necessary equipment.