

# Los Angeles Superior Court Policy

## Court Reporter Availability

(Effective 8/6/2018)

It is the policy of the Los Angeles Superior Court to provide official verbatim record of proceedings services as follows:

### Court Reporters

Official Court Reporters are normally available in criminal, juvenile, family law, and probate matters.

Official court reporters are normally not available in unlimited civil proceedings, and in most cases parties seeking a verbatim record must do so by arranging for a certified shorthand reporter to serve as an official pro tempore reporter.

Parties who have an approved fee waiver pursuant to California Rules of Court Rule 3.55(7) may timely request an official court reporter pursuant to California Rule of Court Rule 2.956(b)(3) at least 10 calendar days before the hearing or trial on court form LACIV 269. If such a request is timely submitted, the clerk, pursuant to that Rule, shall notify the requestor as soon as possible if no official court reporter will be available. Given the limited availability of official court reporters, notice of the availability of a court reporter may not be known until the day of the trial or hearing.

Parties may arrange for privately retained reporters in Unlimited Civil proceedings.

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 Order Appointing Court-Approved Reporter as Official Reporter Pro Tempore form is posted on the Court's website.

Parties may privately arrange for the appointment of a Court- approved official court reporter pro tempore without a stipulation, from the Pro Tempore Court Reporter Directory that is available on the Court's website.

It is that party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs as provided by law.

### Electronic Recording

Electronic Recording will normally be available in all Limited Civil including Collections, Unlawful Detainer and Small Claims matters.

These proceedings will be electronically recorded by the court to make the official verbatim record of proceedings as provided in Government Code section 69957, and California Rules of Court, Rules 2.952 and 2.956.

# COURT REPORTER AVAILABILITY IN UNLIMITED CIVIL PROCEEDINGS INFORMATION

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 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 §68086; California Rule of Court Rule 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 §70044). If the official shorthand reporter is on the Court-Approved Pro Tempore Court Reporter Directory, 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-Approved Pro Tempore Court Reporter Directory, 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 §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 Rule 2.956(b)(1).
- B. **Website posting.** The Court will publish its policy on its website. 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, with the exception of indigent litigants pursuant to California Rules of Court Rule 2.956.
- C. **Courtroom calendars.** If the services of an official court reporter will not be available during a hearing on law and motion or other non-trial matters in civil cases, that fact should be noted in the Court’s official calendar [California Rule of Court Rule 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:** Parties who have received a fee waiver pursuant to California Rules of Court Rule 3.55(7) may timely request an official court reporter pursuant to California Rule of Court Rule 2.956(b)(3) at least 10 Calendar days before the hearing or trial on form LACIV 269. If such a request is timely submitted, the clerk, pursuant to that Rule, shall notify the requestor as soon as possible by facsimile, telephone, or in person if no court reporter or other means of generating a verbatim record will be

available.

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 §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 Rule 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 Court Reporter Directory. 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-Approved Pro Tempore Court Reporter Directory. 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 §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 §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 Rules 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. Realtime 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 Courtroom Support Services.** Government Code §68086(a); California Rule of Court Rule 2.956(c).
  2. **That appearance fees, including realtime fees, are the responsibility of the party or parties who arranged the court 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 Rule 2.956(c).
  3. **To comply with statutes and rules applicable to official court 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 Rules 8.130, 8.144.
  4. **To leave reporting notes or an electronic copy with the Court as directed by the Court's Director of Courtroom 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).
- 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 §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 §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 §1291.

5. **Court- Approved Pro Tempore Court Reporter Directory.** The Court provides a Court-Approved Pro Tempore Court Reporter Directory 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 §69941(which superseded former Government Code §69943). Parties privately arranging to use a certified shorthand reporter from the Court-Approved Pro Tempore Court Reporter Directory 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 §70044. The list is available on the Court’s website.
  - A. **Requests from certified shorthand reporters for inclusion on the Court-Approved Pro Tempore Court Reporter Directory.** The Court posts on its website the qualifications and a petition form for certified shorthand reporters to petition the Court to be included on the Court-Approved Pro Tempore Court Reporter Directory.
  
6. **Approved Orders and Stipulations:**
  - A. **Stipulation and order for appointment of a privately arranged certified court reporter who is not on the Court-Approved Pro Tempore Court Reporter Directory.** Form LACIV236
  
  - B. **ORDER APPOINTING COURT APPROVED REPORTER AS OFFICIAL REPORTER PRO TEMPORE.** Form LACIV 237



|              |              |
|--------------|--------------|
| SHORT TITLE: | CASE NUMBER: |
|--------------|--------------|

**Stipulation of the Appearing Parties**

The parties or their counsel appearing in this matter hereby stipulate to the Court appointing an official Court reporter pro tempore as set forth in the Order and Agreement herein.

|             |                        |                     |
|-------------|------------------------|---------------------|
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |
| Date: _____ | Name: _____<br>(PRINT) | Attorney for: _____ |
|             | Signature: _____       |                     |

Additional stipulations are attached to this document.

|  |                  |                                 |
|--|------------------|---------------------------------|
| NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: | STATE BAR NUMBER | Reserved for Clerk's File Stamp |
| ATTORNEY FOR (Name):   |                  |                                 |

|  |                    |
|--|--------------------|
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>                           |                    |
| COURTHOUSE ADDRESS: _____  |                    |
| PLAINTIFF: _____   |                    |
| DEFENDANT: _____   |                    |
| <b>ORDER APPOINTING COURT APPROVED REPORTER<br/>AS OFFICIAL REPORTER PRO TEMPORE</b> | CASE NUMBER: _____ |

**1. Reporter Information**

Name: \_\_\_\_\_ License No: \_\_\_\_\_  
(PRINT)  
Bus. Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
\_\_\_\_\_ E-mail: \_\_\_\_\_

**2. 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 a valid, current California Certified Shorthand Reporter License and maintain current contact information with the Court as directed by the Court's Director of Courtroom Support; (2) that appearance fees, including real time fees, are the responsibility of the party or parties who arranged the reporter service, and may not be charged to the Court; (3) to comply with statutes and rules applicable to official Court 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 Courtroom Support; (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.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Order Appointing Court Reporter Pro Tempore**

Pursuant to Government Code sections 68086, 70044, 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: \_\_\_\_\_  
\_\_\_\_\_ Judicial Officer

