

2.21 AVAILABILITY OF COURT REPORTERS

(a) Unlimited Civil Cases. Official court reporters are not normally available for reporting trials in unlimited civil cases. Official court reporters are also not normally available for reporting law and motion matters in departments dedicated to unlimited jurisdiction cases, except as specifically listed on the court's website.

A party who has not received a fee waiver pursuant to California Rules of Court, rule 3.55(7) seeking a verbatim record must do so by arranging for a certified shorthand reporter to serve as an official pro tempore reporter as set forth in subsection (e) below.

A party who has received a fee waiver may request an official court reporter pursuant to California Rules of Court, Rule 2.956 (c) (2). The request must be made by using the local form, Request for Court Reporting Services by a Party with Fee Waiver (LACIV 269), or Judicial Council form FW-020, and should be filed at least ten calendar days before the hearing or trial for which the reporter is requested. If the requesting party received less than ten days' notice of the hearing or trial, the requesting party must file the request as soon as practicable. If a request is timely submitted, the clerk will 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 given until the day of the trial or hearing.

(b) Limited Civil, Misdemeanor and Infraction cases. Official court reporters are not normally available to report matters in limited civil, misdemeanor or infraction cases. These proceedings are 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(c), unless a party arranges for a court reporter pursuant to subsection (e).

(c) Court Reporting in Felony Criminal, Juvenile, Family Law, Probate and Mental Health Cases. Official court reporters are normally available for reporting all proceedings in felony criminal, juvenile, family law, probate and mental health cases.

(d) Notice of Non-availability of Court Reporter for Non-Trial Matters. If the services of an official court reporter will not be available during a proceeding in a felony criminal, juvenile, family law or probate case, that fact will be noted on the court's official calendar on the court's website.

(e) Procedure for Court Reporter Services. A party desiring a court reporter's services for a proceeding for which the court does not make a court reporter available may arrange for the appointment of a court approved official court reporter from a list maintained by the court, or may, by stipulation, arrange for the appointment of a privately retained certified shorthand reporter, in accordance with the procedures posted on the court's website and available in the clerk's office. If an arrangement for a court reporter is made under this subdivision, it is the responsibility of the arranging party or parties to pay the reporter's fee for attendance at the proceedings.

(Rule 2.21 [7/1/2011, 1/1/2013, 8/31/18] amended January 1, 2021)

**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 Rules 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 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 Rules 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 Rules of Court Rule 2.956(b)(4)]. According to the Judicial Council of California 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(c)(2) at least 10 Calendar days before the hearing or trial on form LACIV 269 or Judicial Council of California form FW-020. 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)(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 Rules 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 the 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 via remote technology or telephonically may stipulate orally and the stipulation should be noted in the 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 Director of Courtroom Support.** Government Code §68086(a); California Rules 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 §68086(a)(b); Code of Civil Procedure §128(a); California Rules 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.** 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 LACIV 236.
- B. Order Appointing Court Approved Reporter as Official Reporter Pro Tempore.** Form LACIV 237.

SHORT TITLE:	CASE NUMBER:
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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: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (PRINT)	Attorney for: _____
Signature: _____		
Date: _____	Name: _____ (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):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
ORDER APPOINTING COURT APPROVED REPORTER AS OFFICIAL REPORTER PRO TEMPORE		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

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
Plaintiff/Petitioner: _____ Defendant/Respondent: _____ Other Party: _____	
REQUEST FOR COURT REPORTER BY PARTY WITH FEE WAIVER	CASE NUMBER: _____

INSTRUCTIONS

If you have been granted, or are applying for, a waiver of court fees and costs, you may use this form to request the services of an official court reporter for a hearing or trial for which a court reporter is not otherwise provided and for which electronic recording is not provided.

- You should make a request 10 calendar days before any court date for which you want a reporter. If the court date is scheduled with less than 10-days' notice, you should file the request as soon as you can.
- If you do not file the request on time, the court may be unable to provide a court reporter on the date requested and may have to reschedule the hearing or trial.
- There will be no fee to you for the court reporter being at the hearing if you have a fee waiver.
- **Note:** Having a court reporter does not guarantee the right to get a free transcript. To learn more about transcripts and records for an appeal, read the Self Help webpages for civil appeals, particularly courts.ca.gov/designating-record.

If you are eligible, the court will try to schedule a court reporter for the court proceeding but cannot guarantee that one will be available at that time.

REQUEST FOR COURT REPORTER

1. (Name of party making request): _____

- a. has received a waiver of court fees and costs in this action.
- b. is filing a *Request to Waive Court Fees* (form FW-001 or FW-001-GC) with this form.

2. An official court reporter is requested for trial hearing on (date): _____.

Date: _____

 (TYPE OR PRINT NAME OF ATTORNEY OR PARTY WITHOUT ATTORNEY)



 (SIGNATURE)