SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

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COURT REPORTER SERVICES

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COURT POLICY FOR USE OF PRIVATELY RETAINED COURT REPORTING IN CIVIL AND PROBATE PROCEEDINGS

I. Purpose

Parties have the right to arrange, at their own expense, for the presence of a court reporter if the services of an official court reporter are not available for a proceeding (Government Code § 68086 & California Rules of Court, Rule 2.956). This document establishes the normal availability of official court reporters in civil and probate proceedings, protocols for requesting an official court reporter on an uncovered proceeding, and the policy for parties arranging for a court reporter when an official reporter is not available.

II. Availability

A. Official court reporters will be available for the following civil and probate court calendars: Law and Motion, Complex Law and Motion/CMC's, Unlimited Jurisdiction Unlawful Detainer Hearings and Trials, Limited Jurisdiction Appellate Calendar, and Probate Hearings and Trials.

B. Official court reporters may be available for the following civil court calendars: Pre-Trial Conferences, Court Trials, and Jury Trials.

C. Official court reporters will not be available for the following civil and probate calendars: Case Management and Trial Setting Conferences, Case Management/OSC Calendar, OSC re: ADR, Collections/CMC Calendar, Order of Exemption Calendar, Mandatory Settlement Conferences, Unlawful Detainer Pre-Trial Conferences, Informal Discovery Conferences, Limited Jurisdiction Unlawful Detainer Court and Jury Trials, UD Financial Distress Hearings, Small Claims, Small Claims Appeals, and Probate LPS Hearings.

III. Requesting an Official Court Reporter

A. In accordance with California Rules of Court Rule 2.956, a party requesting an official court reporter must file the Request for an Official Court Reporter

for any hearings and trials for which an official court reporter may not or will not be available, and the Court will provide one if available.

1. Local Court Form CV-69, Request for an Official Court Reporter for Civil Court Proceedings, must be filed at least 10 calendar days prior to the scheduled hearing or trial date for which you are requesting an official court reporter.

2. The Court will inform the requesting attorney or self-represented litigant by way of email at least 5 calendar days prior to the scheduled hearing or trial date <u>if an official court reporter CANNOT be provided</u>.

   a. If you do not receive an email notification from the Court at least 5 calendar days prior to the scheduled hearing or trial date, it means that an official court reporter <u>will be provided</u>.

B. Fee waiver recipients who desire a verbatim record of a trial court proceedings must notify the Court in writing by filing Judicial Council form FW-020 at least 10 calendar days in advance of the scheduled hearing or trial date. *(See Jameson v Desta (2018) 5 Cal.5th 594)*

1. If a fee waiver litigant requests the presence of an official court reporter and it appears that none can be made available, the proceeding will be continued until such time as an official court reporter can be provided.

IV. Contracting a Court Reporter Pro Tempore

A. If the services of an official court reporter are not available for a hearing or trial, a party may arrange for court reporter pro tempore services at their own expense, pursuant to Gov. Code § 68086 and CRC 2.956.

1. A party requesting appointment of official reporter pro tempore must complete and sign Local Form CV-68, Appointment of Official Court Reporter Pro Tempore, and provide it to the Judicial Officer at the commencement of the proceeding.

B. The Judicial Officer must sign Local Form CV-68, Appointment of Official Court Reporter Pro Tempore, appointing the reporter as an official reporter pro tempore, before the reporter may report the proceeding. The appointment of the reporter pro tempore will be noted in a minute order, and the courtroom clerk will file the document. There can only be one official record of court proceedings, and only a reporter appointed by the Court may report a court proceeding (Code of Civil Procedure § 273). Only one reporter will be allowed to report a court proceeding at any given time. If the parties cannot agree on a reporter, the Judicial Officer will make the selection.

C. The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees (CRC rule 2.956(c)). All fees must be paid directly to the court reporter. These expenses may be recoverable as part of a party's costs as provided by law (Government Code § 68086(a)(4)).

D. If a party arranges and pays for the attendance of a certified shorthand court reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties will be charged by

the Court for the reporter's attendance fee provided for in Government Code sections 68086(a)(1) or (b)(1).

V. Court Reporter Pro Tempore Requirements

A. By signing Local Form CV-68, Appointment of Official Court Reporter Pro Tempore, and accepting the appointment as an Official Court Reporter Pro Tempore for this proceeding, the reporter shall take and subscribe to the Constitutional Oath of Office, and confirm and agree that he or she:

1. Has a valid, current California Certified Shorthand Reporter License
2. Is in good standing with the Court Reporters Board of California
3. Will maintain current contact information with the Court
4. Understands and acknowledges that all fees for reporting services, including appearance, transcript, and real-time fees, are the responsibility of the party(ies) who arranged for the reporter services, and no such fees may be charged to the Court
5. Will comply with all statutes and rules applicable to an Official Reporters Pro Tempore, including the duty to prepare transcripts, both trial and appellate, timely, and in the required form
6. Will comply with the Court's requirements as stated in the Official Court Reporter Pro Tempore Policy (on the Court’s website) regarding uploading electronic notes on a timely basis

VI. Transcripts

Originals of transcripts may be ordered to be lodged with the Court. Any party who orders proceedings transcribed by the official reporter pro tempore may be ordered to lodge the original transcript with the Court (Code of Civil Procedure § 128(a)). Should you be ordered to lodge the original transcript with the Court, you shall provide the original transcript electronically to the Court Reporter Supervisor at vbottarini@sanmateocourt.org