



Superior Court of California, County of Orange

Civil Court Reporter Pooling

Effective October 9, 2018, the following *Privately-Retained Court Reporter Policy* is applicable to all unlimited civil courtrooms, including the civil complex courtrooms, as the Court shifts from one-to-one assignment of court reporters to civil courtrooms for all hearings to a system where court reporters are assigned to a courtroom as needed for trials and other matters in which oral evidence will be presented.

Approved: 
David Yamasaki
Chief Executive Officer and
Clerk of the Superior Court
DATED: October 9, 2018

POLICY OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

TITLE: PRIVATELY-RETAINED COURT REPORTER

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 (Gov. Code § 68086 & Cal. Rules of Court, rule 2.956). This document establishes the policy for parties arranging for a court reporter when an official reporter is not available and establishes requirements for qualifying as an official reporter pro tempore.

POLICY:

1. If the services of an official court reporter are not available for a proceeding, a party may privately arrange for court reporter services at his/her/its own expense, pursuant to Government Code § 68086 and California Rule of Court, rule 2.956.
2. Parties must make arrangements for reporters in advance of the proceeding if they want the proceedings to be reported. Parties may select a reporter from the *Court-Approved Official Reporters Pro Tempore List ("List")* or must e-file a *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form #L-0860) with the court at least 5 days prior to the hearing. If a party has obtained a waiver from e-filing, the party must file the *Stipulation* at the clerk's office at least 5 days prior to the hearing.
 - A. When parties arrange for their own reporter, the reporter must be appointed as an official reporter pro tempore before commencement of the hearing. Reporters who are not on the List must complete and sign sections 1, 2, and 3 of the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form #L-0860).
 - B. If a privately-retained court reporter is not on the Court-Approved List of Official Reporters Pro Tempore, all parties must stipulate to his or her appointment. The *Stipulation and Appointment of an Official Reporter Pro Tempore* (OCSC Form #L-0860) must be signed by all parties. The court reporter may sign the stipulation on the day of the hearing.
 - C. The Judicial Officer must sign the order appointing the reporter as an official reporter pro tempore, using the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form # L-0860), before the reporter may report the proceeding.
3. By signing the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form # L-0860), the reporter agrees to the following:
 - A. He/she has a valid, current California Certified Shorthand Reporter License.
 - B. He/she is not a current employee of the court.
 - C. He/she will maintain current contact information with the court.

- D. He/she will remain in good standing with the Court Reporters Board of California.
- E. All fees for reporting services, including appearance, transcript and Realtime fees, are the responsibility of the party or parties who arranged for the reporter services and may not be charged to the court.
- F. He/she 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.
- G. He/she will demonstrate the highest standards of ethics and impartiality in the performance of their duties.
- H. He/she 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 and as approved in advance by Court Reporter and Interpreter Services management, or making other arrangements if the only notes are in paper form.
- I. He/she will follow directions from the court and will be subject to the jurisdiction of the court to the same extent as an official reporter.
- J. He/she will inform the court and parties prior to the use of an audio recording device.
- K. He/she will be available for read-back of notes within 30 minutes of the Court's request.
- L. If providing realtime reporting and/or other litigation support services (e.g. LiveNote) he/she is responsible for providing and connecting the necessary equipment.

4. Additional Information for Parties

A. Only One Official Record

There can only be one official record of court proceedings, and only a reporter appointed by the court may report a court proceeding (CCP § 273; Gov. Code §§ 70043, 70044; *Redwing v. Moncravie*, (1934) 138 Cal. App. 432, 434). 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.

B. Payment for Official Reporter Pro Tempore Services

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.

C. Indigent Litigants

In unlimited civil proceedings, a party who has received a fee waiver pursuant to California Rules of Court rule 3.55 may request an official court reporter pursuant to California Rules of Court rule 2.956(b)(3) at least 10 calendar days prior to the trial or other matters in which oral evidence will be presented ("evidentiary hearing") by submitting mandatory court form L-0790. The court, for good cause, may shorten or waive the 10-day requirement.

D. Transcripts

- 1) The judicial officer may order any party who arranges for the transcription of proceedings by the official reporter pro tempore to lodge a copy of the transcript with the court (CCP § 128(a)).
- 2) Transcripts produced by an official reporter pro tempore will be treated, for court purposes, identically to transcripts prepared by official reporters. Reporting notes of an official reporter pro tempore are official records of the court (Gov. Code §69955(a)). The notes of official reporters pro tempore, when transcribed and certified, are prima facie evidence of the testimony and proceedings (CCP § 273(a)).
- 3) Certified transcripts are admissible as evidence to the extent otherwise permitted by law. Transcripts prepared by a privately retained certified shorthand reporter appointed by the court as an official reporter pro tempore are admissible as evidence to the extent otherwise permitted by law (CCP § 273(a)).

E. Reimbursement of Advanced Fees

Fees lodged with the court prior to the date this policy becomes effective for an official reporter in advance of the proceeding where a reporter will no longer be available will be returned to the party that lodged them upon request.

5. The *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form # L-0860) is available at <http://www.occourts.org/lawyers/>
6. This policy shall be posted on the court's website at www.occourts.org.