



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## OFFICIAL REPORTER PRO TEMPORE POLICY

### 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 section 68086 and California Rules of Court, rule 2.956). This document establishes policy for parties to arrange for a court reporter when an official reporter is not normally available, and establishes requirements for qualifying as an official reporter pro tempore.

### II. Policy

- A. If the services of an official court reporter are not available for a proceeding, parties may privately arrange for court reporter services at their expense, pursuant to Government Code section 68086 and California Rules of Court, rule 2.956.
- B. Parties must make arrangements for reporters *in advance of the proceeding* to ensure the proceedings will be reported. Advance notice to the court of an intention to do so is not required.
- C. Parties may arrange for their own reporter, or may select from the Court-Approved List of Official Reporters Pro Tempore (SDSC Form #ADM-321) (List).
  1. Court-Approved List
    - a. As a service to court users, the court will establish and maintain a list of court-approved official reporters pro tempore who have met the requirements and qualifications established by the court. See the Policy for Court-Approved List of Official Reporters Pro Tempore (SDSC Form #ADM-313) for additional information.
    - b. Parties are not obligated to select a reporter from this List. It is provided as a courtesy.
  2. Appointment as an Official Reporter Pro Tempore for a Proceeding:
    - a. Reporters must complete and sign sections 1, 2, and 3 of the Appointment of Official Reporter Pro Tempore (SDSC Form #ADM-316).
    - b. All parties present at the proceeding must complete and sign the stipulation portion of the Appointment of Official Reporter Pro Tempore (SDSC Form #ADM-316) stipulating to the court appointing an official reporter pro tempore. If the reporter is on the List, the stipulation is not required. Parties appearing remotely for a proceeding may stipulate orally, which will be noted in the minutes.
    - c. The Appointment of Official Reporter Pro Tempore (SDSC Form #ADM-316) must be completed by all parties and provided to the court before the proceeding commences.
    - d. The judicial officer must order the reporter appointed as an official reporter pro tempore, using the Appointment of Official Reporter Pro Tempore (SDSC Form #ADM-316), before the reporter may report the proceeding.
- D. This policy will be posted on the Superior Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).
- E. Official Reporter Pro Tempore Requirements

By signing the Appointment as Official Reporter Pro Tempore (SDSC Form #ADM-316), the reporter agrees to the following:

  1. If the reporter is a part-time or full-time employee of the court, the reporter will be on approved leave or will be working outside of the reporter's regular court working hours when appointed to report a proceeding as an official reporter pro tempore.
  2. Has a valid, current California Certified Shorthand Reporter License and will maintain current contact information with the court.
  3. All fees for reporting services, including appearance and real-time fees, are the responsibility of the party or parties who arranged the reporter services and may not be charged to the court.

4. To 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. 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 immediate (within 30 minutes) read-back of notes.
7. To be in good standing with the Court Reporters Board of California.
8. To comply with the court's requirements regarding uploading electronic notes as stated in Official Reporter Pro Tempore Electronic Notes Upload/Archiving Policy (SDSC Form #ADM-319), including uploading each day's stenotype notes to the court's vendor (ACORN) by 1:30 p.m. the next business day, or in the case of illness or emergency, as soon as practicable thereafter.

**F. Additional Information for Parties**

**1. 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 (Code of Civil Procedure section 273; Government Code sections 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.

**2. Payment for Official Reporter Pro Tempore Services**

California Rules of Court, rule 2.956(c) provides that the party arranging for an official reporter pro tempore is responsible for paying the reporter's fees. These expenses may be recoverable as part of a party's costs as provided by law (Government Code section 68086(a)(4)).

**3. Transcripts**

- a. Copies 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 a copy of the transcript with the court (Code of Civil Procedure section 128(a)).
- b. 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 (Government Code section 69955(a)). The notes of official reporters pro tempore, when transcribed and certified, are prima facie evidence of the testimony and proceedings (Code of Civil Procedure section 273(a)).
- c. Original and 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 (Code of Civil Procedure section 273(a)).
- d. Unofficial transcripts prepared by other than official court reporters or official court reporters pro tempore are not admissible (Code of Civil Procedure section 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.)

**G. Forms and Additional Information**

1. Court-Approved List of Official Reporters Pro Tempore (SDSC Form #ADM-321)
2. Policy for Court-Approved List of Official Reporters Pro Tempore (SDSC Form #ADM-313)
3. Appointment of Official Reporter Pro Tempore (SDSC Form #ADM-316)
4. Official Reporter Pro Tempore Electronic Notes Upload/Archiving Procedure (SDSC Form #ADM-319)
5. Guide for Official Reporters Pro Tempore (SDSC Form #ADM-318)

These forms, and additional information, may be found on the Superior Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).