



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 court reporters if the services of an official court reporter are not available for a proceeding (Gov. Code § 68086 & Cal. Rules of Court [CRC], rule 2.956). This document establishes policy for party(ies) arranging 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, a party may privately arrange for court reporter services at their expense, pursuant to Gov. Code § 68086 and CRC 2.956. This includes cases where a proceeding continues to or past the date for which a reporter is no longer normally available.
- 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 *Policy for Court-Approved List of Official Reporters Pro Tempore* SDSC Form #ADM-313.)
 - 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 as 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 as an 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 through Court Call or otherwise by telephone may stipulate orally, which stipulation should be noted in a minute order.
 - c. The *Appointment as an 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 in the courtroom must order the reporter appointed as an official reporter pro tem, using the *Appointment of Official Reporter Pro Tempore* (SDSC Form #ADM-316), before she or he may report the proceeding.
- D. This policy will be posted on the court's website at 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. Is not a regular employee of the court. Note: "Per Diem" reporters, who have an Independent Contractor Agreement with the court, are not considered regular employees.
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 (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.

2. Payment for Official Reporter Pro Tempore Services

CRC 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 (Gov. Code § 68086(a)(4)).

3. Indigent Litigants

In cases where the court no longer provides court reporters, indigent litigants are not entitled to have the court provide or pay for a court reporter based on a fee waiver. Fee waivers apply only to fees charged by the court. They do not apply to court reporter fees and costs in cases where the court is not providing the court reporter. Privately retained court reporters are independent from the court, and are allowed to charge indigent litigants for their services.

4. 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 (CCP § 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 (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)).

- 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 (CCP § 273(a)).
 - d. Unofficial transcripts prepared by other than official court reporters or official court reporters pro tempore are not admissible (CCP § 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.)
5. Reimbursement of Advanced Fees
Fees lodged 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 to the court.

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, are available on the court's website: www.sdcourt.ca.gov.