



SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

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 (Government [Gov.] Code § 68086 & California Rules of Court [CRC], Rule 2.956). This document establishes policy for parties arranging for a court reporter when an official reporter is not available and requirements for qualifying as an official reporter pro tempore.

However, policies regarding reporters pro tempore do not apply to fee waiver litigants in unlimited civil, family law and probate proceedings. In compliance with *Jameson v. Desta* (2018) 5 Cal.5th 594, the court will make an official court reporter available upon request to fee waiver litigants in unlimited civil, family law and probate proceedings. If a fee waiver litigant requested 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 made available.

II. Policy

- A. If the services of an official court reporter are not available for a proceeding, a party may arrange for court reporter pro tempore services at their own expense, pursuant to Gov. Code § 68086 and CRC 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 Pre-Approved Official Reporters Pro Tempore List* (KCSC Form # 1125) – hereinafter referred to as “the Pre-Approved List.”
- D. Arranging for a Court Reporter on the Pre-Approved Official Court Reporters Pro Tempore List
 1. Parties may contact a court reporter on the Pre-Approved Official Court Reporters Pro Tempore List to make arrangements for court reporting services. The list will be located on the Court website.
 2. Reporters identified on the Pre-Approved Official Court Reporters Pro Tempore List may report hearings without a stipulation by the parties or an order from the Court. Gov. Code § 70044.
 3. Reporters may apply for inclusion on the Pre-Approved List by complying with the Official Reporter Pro Tempore Requirements set forth in paragraph G below.
 4. Reporters on the Pre-Approved List may participate telephonically in hearings in civil matters held in the Metropolitan Division, in courtrooms located at 1415 Truxtun Avenue, Bakersfield. Court reporters must make their own arrangements using CourtCall to create the record telephonically.

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E. Appointment as an Official Reporter Pro Tempore for a Proceeding

1. Reporters must complete and sign sections 1, 2, and 3 of the *Appointment as Official Reporter Pro Tempore* (KCSC Form #1123).
2. All parties present at the proceeding must complete and sign the stipulation portion of the *Appointment as an Official Reporter Pro Tempore* (KCSC Form #1123) stipulating to the court appointing an official reporter pro tempore. Parties appearing through Court Call or otherwise by telephone may stipulate orally, and the stipulation shall be noted in a minute order.
3. The *Appointment as an Official Reporter Pro Tempore* (KCSC Form #1123B) must be completed by all parties and provided to the court before the proceeding commences.
4. The *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B) is effective only when signed by the Judicial Officer in the courtroom.

F. Official Reporter Pro Tempore Requirements.

- a. To serve as an official reporter pro tempore, a reporter must attest to meeting the requirements and must submit a copy of California Certified Shorthand Reporter (CSR) license.
2. By signing the agreement in paragraph 3 of the *Appointment as Official Reporter Pro Tempore* (KCSC Form #1123), the reporter agrees that he or she:
 - a. 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.]
 - b. Has a valid, current California Certified Shorthand Reporter License, is in good standing with the Court Reporters Board of California, and will maintain current contact information with the court. (A copy of the license will be provided to the court on an annual basis.)
 - c. Will make independent arrangements for all fees for reporting services, including appearance and real-time fees with the party or parties who arrange for the reporter services.
 - d. Will comply with statutes and rules applicable to official reporters pro tempore, including the duty to prepare transcripts, both trial and appellate, timely and in the proper form.
 - e. Will follow directions from the court and be subject to the jurisdiction of the court to the same extent as an official reporter.
 - f. Will be available for immediate (within 30 minutes) read-back of notes.
 - g. Will comply with the court's requirements regarding uploading electronic notes as stated in *Official Reporter Pro Tempore Electronic Notes Upload/Archiving Policy* (KCSC Policy #CtSup-2013-1C), 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.
 - h. Has the capability and equipment to provide real-time services.
 - i. Has not been delinquent in providing a transcript within the last six months.

G. Pre-Approved Official Court Reporter Pro Tempore List (KCSC Form #1125 – “the Pre-Approved List”).

1. The court will establish and maintain a pre-approved list of official reporters pro tempore who have met the requirements and qualifications established by the court.

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2. Reporters identified on the list may report hearings without a stipulation by the parties, or further order of the Court.
3. A completed, signed Agreement for Pre-Approved Official Reporters Pro Tempore (KCSC Form #1124) must be submitted.
4. Reporters on the Pre-Approved List are not court employees. They are not under contract to or provided by the court. The court does not evaluate, supervise, or otherwise monitor the reporters, nor does the court express any preference or endorsement for any reporter on the Pre-Approved List.
5. The parties are fully responsible for making arrangements for reporters and are solely responsible for the payment, scheduling, and performance of the reporter.
6. The Pre-Approved List will be made available on the Court's website.
7. The appointment and order will remain in effect unless or until the court reporter is removed from the Pre-Approved List.
8. The decision to include a reporter on the Pre-Approved List is subject to the court's sole discretion.
9. Reporters must notify the court immediately if they no longer provide the service, if they are no longer eligible for inclusion on the Pre-Approved List, or if any of their contact information changes.
10. Conditions for removal from the List include, but are not limited to, the following:
 - Failure to maintain a valid CSR license;
 - Failure to provide timely transcripts;
 - Failure to follow transcript format;
 - Failure to archive notes with the court in a timely manner; or
 - Failure to maintain current contact information
11. All inquiries and requests for inclusion on the List should be directed to Reporters@kern.courts.ca.gov

H. 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 [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 unlimited civil, family law and probate proceedings, indigent litigants upon request, will be provided by the court with an official court reporter pursuant to *Jameson v. Desta*, (2018) 5 Cal.5th 594.
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)).

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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.
- H. Forms and Additional Information
1. *Appointment of Pre-Approved Official Reporter Pro Tempore* (KCSC Form #1123A)
 2. *Appointment of Official Reporter Pro Tempore* (KCSC Form # 1123B)
 3. *Agreement for Pre-Approved Official Reporters Pro Tempore List* (KCSC Form # 1124)
 4. *Pre-Approved Official Reporters Pro Tempore List* (KCSC Form #1125)
 5. *Guide for Official Reporters Pro Tempore* (KCSC Policy #CtSup-2020-1B)
 6. *Official Reporter Pro Tempore Electronic Notes Upload/Archiving Procedure* (KCSC Policy #CtSup-2013-1C)
 7. *Policy Regarding Normal Availability and Unavailability of Official Court Reporters –CRC 2956(b)(1)* (KCSC Policy #CtSup-2020-2)
 8. *Official Court Reporters Pro Tempore Frequently Asked Questions*

Note: This Policy, requisite forms, and additional information, are available on the court's website: www.kern.courts.ca.gov.