

KERN COUNTY SUPERIOR COURT

Official Court Reporters Pro Tempore Frequently Asked Questions

Q: Why Would I Want an Official Record?

A: A court reporter is responsible for making a verbatim record of court proceedings. This becomes the official record of the proceedings, and a written transcript may be produced upon request (and separate payment therefor). In Unlimited Civil, Probate, and Family Law proceedings, only a court reporter may produce a transcript of the official record (See Government Code §§ 69952 and 69957, Code of Civil Procedure § 269 and California Rules of Court 2.956.) The official record is important for two primary reasons. First, it provides a clear, written record of what transpired in the court proceeding. If there is a disagreement between parties, the official record will serve to resolve any disagreements about what occurred in Court. Second, in the event a case is appealed, the official record is used by the Appellate Court to review the proceedings – the evidence, the rulings of the court on objections and other matters, and the ultimate ruling of the court. The lack of an official record makes appellate review of the court's ruling difficult to obtain.

More information on court reporters, court reporter availability and the ordering of transcripts can be found at: <http://www.kern.courts.ca.gov/>

Q: Who pays for privately-retained court reporters?

A: Payment for court reporting services for proceedings at which the court no longer provides such services (see *Policy Regarding Normal Availability and Unavailability of Official Court Reporters* – KCSC Policy #CtSup-2020-2, www.kern.courts.ca.gov) is the responsibility of the party arranging for the court reporter. Pursuant to *Jameson v. Desta* (2018) 5 Cal.5th 594, the court will make an official court reporter available to fee waiver litigants upon request in unlimited civil, family law and probate proceedings. The court will not be responsible for a privately retained court reporter's fees in connection with a fee waiver litigant matter.

Q: How much do court reporters charge for their services?

A: The court does not monitor or oversee the private contractual arrangements that parties make with court reporters who report proceedings. This applies regardless of whether the party contracts with a reporter from the Pre-Approved Official Reporters Pro Tempore List (KCSC Form # 1125), www.kern.courts.ca.gov) or from any independent source.

Q: Are court reporter fees waived for indigent litigants?

A: Official court reporter fees are waived for indigent litigants who are entitled, upon request, to have the court make an official court reporter available based on a fee waiver, in unlimited civil, family law and probate proceedings. However, transcript fees are not waived and may be sought through the Transcript Reimbursement Fund operated by the Court Reporters Board, using the Transcript Reimbursement Fund Application. That form is available at the Court Reporters Board's website, under the heading Transcript Reimbursement Fund (TRF).

There are limited funds available for fee waivers under the program. (See Bus. & Prof. Code § 8030.6; Policy Regarding Normal Availability and Unavailability of Official Court Reporters – KCSC Policy #CtSup-2020-2, www.kern.courts.ca.gov).

Q: What is the benefit of contracting with a reporter from the *Pre-Approved Official Reporters Pro Tempore List* (KCSC Form #1125, www.kern.courts.ca.gov)?

A: Reporters appearing on the court-approved list have met certain requirements and minimum qualifications established by the court. In addition, reporters selected from this list can report hearings without the need for the parties to stipulate to the reporter, and do not require a further order from the Court. (Gov. Code § 70044).

Q: If I contract with a reporter who is not on the *Pre-Approved Official Reporters Pro Tempore List* (KCSC Form #1125, www.kern.courts.ca.gov), does an *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B, www.kern.courts.ca.gov) need to be filed?

A: An *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B, www.kern.courts.ca.gov) needs to be completed and signed for every matter for which a court reporter is privately retained, if that reporter is not on the list. The party(ies), attorney(ies), or the reporter must provide the completed form to the clerk before the proceeding begins. Only reporters on the Pre-Approved Official Reporters Pro Tempore List do not require the appointment form or an additional order.

Q: Do I need to file the *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B, www.kern.courts.ca.gov) before the proceeding?

A: If the reporter is not on the Pre-Approved Official Reporters Pro Tempore List:

- (1) the *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B) must be completed and signed by the reporter and turned in to the clerk before the proceeding begins, so the proceeding is not delayed; and
- (2) the parties must complete and sign the stipulation and the judge must approve the stipulation before the reporter will be allowed to serve as the official reporter pro tempore for the proceeding.

Q: Is an *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B, www.kern.courts.ca.gov) good for the duration of the case?

A: An *Appointment of Official Reporter Pro Tempore* (KCSC Form #1123B, www.kern.courts.ca.gov) is good for the duration of the case, so long as the same reporter is used.

Q: If the parties stipulate to a court reporter, is the stipulation good for the duration of the case?

A: Yes, so long as the parties continue to use the same court reporter.

Q: What if my attorney or I participate in the hearing via telephone? May I orally stipulate to the court reporter?

A: Yes. Parties appearing through Court Call may stipulate orally, and the stipulation will be noted in the minute order.

Q: Can a court reporter participate telephonically in a hearing?

A: Court reporters on the Pre-Approved Official Reporters Pro Tempore List (KCSC Form # 1125) may participate telephonically in hearings held in the Metropolitan Division, in courtrooms located at 1415 Truxtun Avenue, Bakersfield. Court reporters pro tempore must make their own arrangements using CourtCall to create the record telephonically.

Q: How many reporters can report a hearing? What if the other parties in my case do not agree about who should be the court reporter at the hearing?

A: There can only be one official record of the proceedings (Code of Civ. Proc. §273; *Redwing v. Moncravie* (1934) 138 Cal. App. 432, 434). Only one reporter will be allowed to report a court proceeding at any given time. The court expects parties to come to an agreement regarding the reporter prior to the commencement of the proceeding. If the parties cannot agree on a reporter, the judge will make the selection. Proceedings will not be delayed due to disagreement among the parties as to the selection of the court reporter.

Q: How do I order transcripts of the hearing?

A: Contact the court reporter who reported the hearing. If you qualify for a fee waiver, you may seek to cover transcript preparation fees by submitting a fee waiver form to the Court Reporters Board, using the Transcript Reimbursement Fund Application. That form is available at the [Court Reporters Board's website](#), under the heading Transcript Reimbursement Fund (TRF). There are limited funds available for fee waivers under the program.

Q: What if I can't arrange for a court reporter to report my hearing?

A: Parties are expected to make arrangements for court reporters *in advance* of their hearings. The failure to arrange for a court reporter in advance is not good cause to request to continue the hearing.

Q: What if the court reporter I arranged for doesn't show up or is late?

A: Arranging for a court reporter is solely the responsibility of the parties, and back-up plans should be arranged.

Q: Will the court provide a reporter if I don't have time to arrange for one?

A: No. If the case is one for which the court does not provide a reporter services (see *Policy Regarding Normal Availability and Unavailability of Official Court Reporters – KCSC Policy #CtSup-2020-2*, www.kern.courts.ca.gov), it is the responsibility of the party(ies) to arrange for a reporter unless a fee waiver litigant in unlimited civil, family law or probate proceeding has requested an official court reporter in a timely manner.

Q: I am a licensed certified shorthand reporter. How can I get on the court's pre-approved list?

A: The requirements for the Court's Pre-Approved Official Reporters Pro Tempore List (KCSC Form #1125) and manner in which inclusion on the list may be obtained are set forth in the Official Reporter Pro Tempore Policy (Form Ct Sup-2020-1A) www.kern.courts.ca.gov.

Q: Does the court require that the reporter report in real-time?

A: Yes.

Q: Will the court provide technical support to the reporter to set up their equipment?

A: No. The court is not in a position to provide any technical support to reporters.

Q: Will the reporter have access to power in the courtroom?

A: Yes.

Q: What are the configuration requirements for real-time?

A: The court provides judicial officers with a stand-alone laptop with case View Net or Case View II and Bridge Software loaded. Reporters may connect using one of the three following connectivity options:

1. 9-Pin Serial Cable with USB adapter.
2. 9-Pin Serial Cable with the following configuration:
 - Bits per second: 2400
 - Data bits: 8
 - Parity: None
 - Stop bits: 1
 - Flow control: None
3. Bluetooth Receiver and Bluetooth USB device and Device driver software, if a wireless connection is available in the courtroom where the reporter will be reporting.

It is solely the responsibility of the reporter to configure the cable or Bluetooth receiver with the correct COM Port to connect to the court laptop. The court does not provide technical support, and the court is not responsible for viruses, malware, or adware that could potentially be transmitted between devices.