

EXHIBIT 1

FOR IMMEDIATE RELEASE

November 2, 2022



SUPERIOR COURTS OF CALIFORNIA

THERE IS A COURT REPORTER SHORTAGE CRISIS IN CALIFORNIA

Each day across California, tens of thousands of court hearings are held. Lawyers argue, witnesses testify, litigants tell their stories and judges make decisions. What many people do not appreciate is the crucial role played by a court reporter: creating and preserving a verbatim record of those exchanges. As a chronic shortage of court reporters reaches crisis levels, the statutory framework for court reporting must adjust to the new realities of the reporting profession.

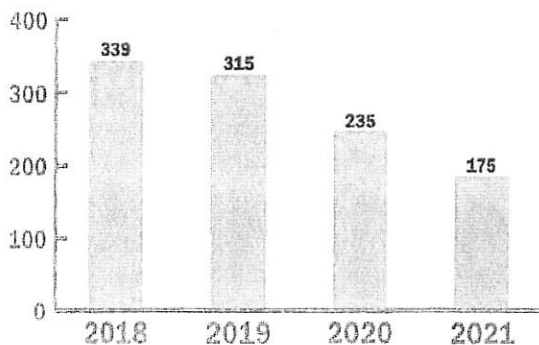
THE PROBLEM: There is a court reporter shortage in California – and across the nation – that has been long developing.

- In 2005, the Judicial Council warned that, "since the early 1990's, California's courts have experienced a steady decline in the number of available qualified shorthand reporters. [...] Additionally, the reduction of court reporting schools and curriculums in California over recent years complicates the courts' ability to attract sufficient numbers of well-trained reporters. [2005, Reporting of the Record Task Force, *Final Report*, p. 6.]
- Nationally, a 2013 study by the National Court Reporters Association projected that "Decreased enrollment and graduation rates for court reporters, combined with significant retirement rates, will create by 2018 a critical shortfall projected to represent nearly 5,500 court reporting positions." [Ducker Worldwide, *2013-2014: Court Reporting Industry Outlook Report, Executive Summary*, p. 5.]
- In 2017, the Chief Justice's *Futures Commission Final Report* warned, "National data show the number of skilled court reporters is decreasing. Certified court reporting schools have experienced smaller enrollment and graduation rates, which are declining by an annual average of 7.3 percent[...]" [*Report to the Chief Justice: Commission on the Future of California's Court System*, p. 240.]
- In 2018, the Judicial Council wrote to the Legislature that, "the state would [...] have a gap of approximately 2,750 court reporters by 2023 if forecasted

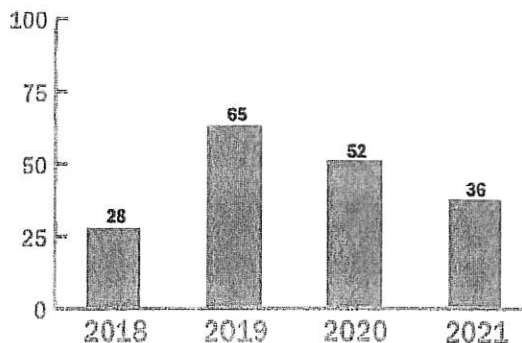
demand remains constant." [March 29, 2018, letter from the Judicial Council to Hon. Lorena Gonzalez-Fletcher, Chair Assembly Appropriations Committee, re: Assembly Bill 2354.]

Today in California, only nine Certified Shorthand Reporter programs remain. In 2021, only 175 examinees took the licensing exam – and only 36 passed.

GRAPH 1: Total CSR Examinees



GRAPH 2: CSR Examinees Who Passed



The result is a crisis in court reporter availability that has been developing for years.

THE SHORTAGE OF COURT REPORTERS IMPACTS LITIGANTS ACROSS CALIFORNIA:

In accordance with Penal Code § 190.9 and § 869, Code of Civil Procedure § 269 and Welfare and Institution Code § 347 and § 677, California courts must provide court reporters in felony criminal and dependency and delinquency juvenile courtrooms. Court reporters are not statutorily required to be provided by the courts in civil, family law, probate, misdemeanor criminal and traffic courtrooms.

And yet, many California courts do not have enough court reporters to cover mandated criminal felony matters – let alone the wide range of areas in which litigants need a record of court proceedings.

Over 50% of the California courts have reported that they are unable to routinely cover non-mandated case types including civil, family law and probate.

FUNDING IS NOT THE SOLUTION: There is no one to hire.

The Legislature provides \$30 million annually to the California courts to hire additional court reporters, with a focus on family law and civil courtrooms. However, because of the decline in court reporters, the crisis continues.

Today 71 percent of the state's 58 trial courts are actively recruiting for court reporters: Alameda; Butte; Contra Costa; Del Norte; El Dorado; Fresno; Humboldt; Imperial; Kern; Lake; Los Angeles; Madera; Marin; Merced; Monterey; Nevada; Orange; Placer; Riverside; Sacramento; San Benito; San Bernardino; San Diego; San Francisco, San Joaquin; San Luis Obispo; San Mateo; Santa Barbara; Santa Clara; Santa Cruz; Shasta; Siskiyou; Solano; Sonoma; Stanislaus; Tehama; Tulare; Tuolumne; Ventura; Yolo; and Yuba.

THE CURRENT STATUTORY FRAMEWORK INHIBITS CREATIVE RESPONSES TO THE SHORTAGE OF COURT REPORTERS:

With the exception of limited civil, misdemeanor and infraction cases, Government Code § 69957 prohibits the courts from providing electronic recording in civil, family law and probate courtrooms.

Government Code § 69959 and Code of Civil Procedure § 367.75(d)(2)(A) mandate court reporters to be present in the courtrooms – rather than taking advantage of emerging technologies that would allow the court to provide this service remotely to multiple courtrooms throughout the county, providing more services with existing resources while making the profession more attractive to young, potential court reporters.

Government Code § 69942 requires all court reporters who work in a court to be certified in California which restricts courts from hiring out-of-state independent firms to provide this service.

CONCLUSION: More funding is not the solution.

We stand with our court reporters in recognizing and appreciating their value and service to the California judicial branch but we must acknowledge that we are facing a California – and national – court reporter shortage.

This shortage will not be solved by increased funding. Without changes to the current statutory framework for court reporting, all courts will face the inevitable day, already seen by a few California courts, of not having enough court reporters to cover the mandated felony criminal and juvenile dependency and delinquency cases.

Every litigant in California should have access to the record. Ideally, this would be provided by a court reporter but when none are available, other options need to be available to the courts. We are ready, able and willing to work with all stakeholders on finding ways to ensure that all litigants who need a record have access to one.

ADDITIONAL RESOURCES:

- U.S. Legal Support, *Understanding the National Court Reporter Shortage and What it Means for Your Firm*, [<https://www.uslegalsupport.com/court-reporting/understanding-the-national-court-reporter-shortage-and-what-it-means-for-your-firm/>]
- Ducker Worldwide, *Court Reporting Industry Outlook Report (2013 - 2014)* [[https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14_ncra_industry_outlook-\(ducker\)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2_0](https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14_ncra_industry_outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2_0)]
- Commission on the Future of California's Court System, *Report to the Chief Justice, 2017*, [<https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>]
- California Trial Court Consortium, *The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond, 2022*, [<https://www.siskiyou.courts.ca.gov/system/files?file=court-reporter-shortage-1-2022.pdf>]

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EXHIBIT 2

Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



Background

The California Supreme Court, in a 2018 opinion, stated that “the absence of a verbatim record of trial court proceedings will often have a devastating effect” on a litigant’s ability to have an appeal decided on the merits.¹ The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required² and electronic recording is not authorized.³ Parties may arrange for the services of a court reporter in other case types.⁴ However, a declining number of court reporters threatens access to justice for court users, especially Californians who can’t afford to pay for their own court reporter.

Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements,⁵ it is estimated that California courts may need up to an additional 650 full-time court reporters.⁶ In addition to court reporters employed by the courts, courts also contract with pro tempore⁷ reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.⁸

Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.⁹ However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%.¹⁰ Potential indicators that the decline will continue include:

- *Challenging pathway to licensure:* Thirty-five new licenses were issued statewide in 2021–22.^{11,12} Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers.¹³

¹ *Jameson v. Desta* (2018) 5 Cal.5th 594, 622.

² Felony and juvenile cases.

³ Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

⁴ Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

⁵ Covering all case types where a court reporter is required or electronic recording is not authorized.

⁶ “Need” is calculated by applying the Resource Assessment Study estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, www.courts.ca.gov/29305.htm.

⁷ Refers to an individual who is retained by the court on an intermittent or contractual basis.

⁸ Court Reporter Recruitment, Retention, and Attrition dashboard, www.courts.ca.gov/76328.htm.

⁹ Court Reporters Board: December 13, 2023, Board Meeting Packet, www.courtreportersboard.ca.gov/about-us/20231213_packet.pdf.

¹⁰ Department of Consumer Affairs data portal, www.dca.ca.gov/data/annual_license_stats.shtml.

¹¹ *Ibid.*

¹² Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010), www.courtreportersboard.ca.gov/applicants/school_info.shtml. However, students may also qualify for California’s Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing.

¹³ Court Reporters Board, School Examination Statistics, www.courtreportersboard.ca.gov/applicants/examstats.shtml.

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- *Court reporters likely nearing retirement:* The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 as of December 31, 2022.¹⁴ In California, approximately 44.9% of all active licenses were issued at least 30 years ago.¹⁵

Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940.¹⁶ This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average.¹⁷ Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%.¹⁸ In FY 2022–23, California courts spent \$22.6 million on transcripts.¹⁹

Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more.²⁰ For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter.²¹ The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits.²² For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection.²³ California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.²⁴

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¹⁸ *Sen. Bill 170 (Stats. 2021, ch. 240)*.

¹⁹ 2022–23 Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

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²³ *In re Armstrong* (1981) 126 Cal.App.3d 565; *March v. Municipal Court* (1972) 7 Cal.3d 422.

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