




Superior Court of California, County of Orange

**Civil Court Reporter Pooling Pilot Project**

The following *Privately Retained Court Reporter Policy* is effective August 25, 2014 and is applicable ONLY to the Orange County Superior Court unlimited civil courtrooms participating in the Court Reporter Pooling Pilot Project.

The unlimited civil courtrooms participating in the pilot project are:

Dept. C6	Judge Schulte
Dept. C10	Judge Marks
Dept. C12	Judge Wilson
Dept. C13	Judge Gastelum
Dept. C14	Judge Miller
Dept. C15	Judge Nakamura
Dept. C17	Judge Griffin
Dept. C18	Judge Claster
Dept. C21	Judge McEachen
Dept. C23	Judge Aguirre
Dept. C25	Judge Monarch
Dept. C26	Judge Lewis
Dept. C31	Judge Horn
Dept. C32	Judge Glass

Approved:   
Alan Carlson  
Chief Executive Officer and  
Clerk of the Superior Court  
DATED: July 25, 2014

## POLICY OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

**TITLE: PRIVATELY-RETAINED COURT REPORTER**

**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 (Gov. Code § 68086 & Cal. Rules of Court, rule 2.956). This document establishes the policy for parties arranging for a court reporter when an official reporter is not available and establishes requirements for qualifying as an official reporter pro tempore.

**POLICY:**

1. If the services of an official court reporter are not available for a proceeding, a party may privately arrange for court reporter services at his/her/its own expense, pursuant to Government Code § 68086 and California Rule of Court, rule 2.956.
2. Parties must make arrangements for reporters in advance of the proceeding if they want the proceedings to be reported. Parties may select a reporter from the *Court-Approved Official Reporters Pro Tempore List ("List")* or must e-file a *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form #L-0860) with the court at least 10 days prior to the hearing. If a party has obtained a waiver from e-filing, the party must file the Stipulation at the clerk's office at least 10 days prior to the hearing.
  - A. When parties arrange for their own reporter, the reporter must be appointed as an official reporter pro tempore before commencement of the hearing. Reporters who are not on the List must complete and sign sections 1, 2, and 3 of the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form #L-0860).
  - B. If a privately-retained court reporter is not on the Court-Approved List of Official Reporters Pro Tempore, all parties must stipulate to his or her appointment. The *Stipulation and Appointment of an Official Reporter Pro Tempore* (OCSC Form #L-0860) must be signed by all parties. The court reporter may sign the stipulation on the day of the hearing.
  - C. The Judicial Officer must sign the order appointing the reporter as an official reporter pro tempore, using the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form # L-0860), before the reporter may report the proceeding.
3. By signing the *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form # L-0860), the reporter agrees to the following:
  - A. He/she is not a regular employee of the court.
  - B. He/she has a valid, current California Certified Shorthand Reporter License and will remain in good standing with the Court Reporters Board of California.

- C. All fees for reporting services, including appearance and real-time fees, are the responsibility of the party or parties who arranged for the reporter services and may not be charged to the court.
- D. He/she will 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.
- E. He/she will follow directions from the court and will be subject to the jurisdiction of the court to the same extent as an official reporter.
- F. He/she will be available for read-back of notes within 30 minutes of the Court's request.
- F. He/she will maintain current contact information with the court.
- G. He/she will comply with the court's requirements regarding uploading electronic notes within 48 hours of the date of the proceedings except in extenuating circumstances and as approved in advance by Court Reporter and Interpreter Services management, or making other arrangements if the only notes are in paper form.

#### 4. Additional Information for Parties

##### A. 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.

##### B. Payment for Official Reporter Pro Tempore Services

The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees (CRC rule 2.956(c)). All fees must be paid directly to the court reporter.

##### C. Indigent Litigants

In cases where the court does not provide court reporters, indigent litigants are not entitled to have the court provide or pay for a court reporter. 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 not paid by the court.

##### D. Transcripts

- 1) The judicial officer may order any party who arranges for the transcription of proceedings by the official reporter pro tempore to lodge a copy of the transcript with the court (CCP § 128(a)).
- 2) 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)).

- 3) 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)).

#### E. Reimbursement of Advanced Fees

Fees lodged with the court 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.

5. The *Stipulation and Appointment of Official Reporter Pro Tempore* (OCSC Form # L-0860) is available at <http://www.occourts.org/lawyers/>
6. This policy shall be posted on the court's website at [www.occourts.org](http://www.occourts.org) .