

Superior Court of California, County of Tulare

UPDATED OFFICIAL REPORTER PRO TEMPORE POLICY

Effective January 3, 2017, official court reporters **will no longer** be provided in the Visalia Division for:

- Misdemeanor matters in Department 11 and Department 12
- Civil limited trials with a time estimate over 2 hours, civil unlimited trials and probate trials

Effective January 3, 2017, official court reporters **will no longer** be provided in the South County Justice Center for:

- Misdemeanor matters in Department 18
- Civil limited trials with a time estimate over 2 hours, civil unlimited trials and probate trials

Court reporters will continue to be provided for all other matters not identified above, including felony and juvenile matters with the exception of traffic matters.

Parties have the right to notice of the unavailability of court reporters and the right to arrange at their own expense for the presence of court reporters. See Government Code §68086; California Rule of Court (CRC) 2.956(b)&(c) As further described below, parties may select from the *Approved Official Reporter Pro Tempore List* or arrange for their own reporter. Parties must make arrangements for reporters ***in advance of the hearing*** to ensure the proceedings will be reported.

Arranging for a court reporter on the *Approved Official Reporter Pro Tempore List*

1. Parties may contact a court reporter on the *Approved Official Reporter Pro Tempore List* to make arrangements for court reporting services. The list will be located on the Court website at: www.tularesuperiorcourt.ca.gov
2. Reporters identified on the *Approved Official Reporter Pro Tempore List* may report hearings without a stipulation by the parties or an order from the Court. Government Code §70044.

Arranging for a court reporter not on the *Approved Official Reporter Pro Tempore List*

1. Parties may contact a private court reporter. The reporter must complete and sign the *Appointment of Official Reporter Pro Tempore*.
2. All parties present at the hearing must sign the *Stipulation to Appointment of Official Reporter Pro Tempore* acknowledging that the private reporter will report the hearing.
3. The Judicial Officer in the courtroom must appoint the court reporter before he or she may report the hearing. (See *Appointment of Official Reporter Pro Tempore*).

All forms are available on the Court website at: www.tularesuperiorcourt.ca.gov.

NOTICE

Notice of this policy will be provided as follows:

- Posting in the Clerk's Office
- Court website at: www.tularesuperiorcourt.ca.gov
- A calendar outside of each courtroom that is subject to this policy.

COURT REPORTER REQUIREMENTS

By signing the *Appointment of Official Reporter Pro Tempore* the court reporter agrees to the following:

- To comply with the statutes and rules applicable to official reporters pro tempore
- To transcribe and prepare in proper form all transcript requests, including appeals, in a timely manner
- To be available for read back of notes
- To supply an electronic copy of the notes to the Court for archival
- To maintain current contact information with the Court Reporting Services Office
- That all fees for reporting services will be the responsibility of the party(ies) and will not be charged to the Court.

The Court will maintain a list of pre-approved Pro Tempore Reporters. To be placed on the list, the court reporter must meet the following requirements:

- Have a current Court Reporter Certificate on file with the Court
- Not currently be employed with the Court
- Agree to the terms set forth on the *Agreement and Order Re Appointment of Official Reporter Pro Tempore*
- Have signed a release authorizing the Court to post the reporter's contact information on the Court's website
- Be real-time capable

The Court retains the right to remove a reporter from the list.

More information is available at the Court website: www.tularesuperiorcourt.ca.gov.

ADDITIONAL INFORMATION FOR PARTIES

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 §273; Government 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.

Payment for Court-Approved Pro Tempore Court Reporting Services

CRC 2.956(c) provides that the party arranging for an official pro tempore reporter is responsible for paying the reporter's fee. These expenses may be recoverable as part of a party's costs as provided by law. Government Code §68086(a)(4).

Transcripts

Transcripts produced by an official reporter pro tempore will be treated, for court purposes, identically with transcripts prepared by official reporters. Reporting notes of an official reporter pro tempore are official records of the court. Government Code §69955(a). The notes of official reporters pro tempore, when transcribed and certified, are prima facie evidence of the testimony and proceedings. Code of Civil Procedure §273(a).

Indigent Litigants

Indigent litigants who qualify for fee waivers are not required to pay daily fees for court reporters. CRC 3.55(7). The waiver of reporter fees, however, does not obligate the Court to have a reporter present at a hearing for which reporters will no longer be made available. See Government Code §68086; CRC 2.956(b).

Reimbursement of Advanced Fees

Fees lodged for an official reporter in advance of the hearing where a reporter will no longer be available will be reimbursed.

FORMS

- *Appointment of Official Reporter Pro Tempore*
- *Stipulation to Appointment of Official Reporter Pro Tempore*

These forms are available on the Court website: www.tularesuperiorcourt.ca.gov