



JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

HON. PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

HON. BRAD R. HILL
Chair, Executive and Planning Committee

HON. ANN C. MOORMAN
Chair, Judicial Branch Budget Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee
Chair, Litigation Management Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Maria Lucy Armendariz
Hon. C. Todd Bottke
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Michelle Williams Court
Hon. Charles S. Crompton
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Maureen F. Hallahan
Ms. Rachel W. Hill
Hon. Brian Maienschein
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS

Ms. Kate Bieker
Hon. Alin D. Cintean
Hon. Judith K. Dulcich
Hon. Maria D. Hernandez
Mr. Charles Johnson
Mr. Darrel E. Parker
Mr. David H. Yamasaki
Hon. Erica R. Yew

MS. MILLICENT TIDWELL
Acting Administrative Director
Judicial Council

October 5, 2023

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 305
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: Transcript Rate Uniformity, as required under Government Code section 69950.5

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Pursuant to Government Code section 69950.5, the Judicial Council is submitting *Transcript Rate Uniformity*, which includes recommendations to increase transcript rate expenditure uniformity throughout California.

If you have any questions related to this report, please contact Laura Speed, Director, Leadership Support Services, at 916-323-3235 or laura.speed@jud.ca.gov.

Sincerely,

Millicent Tidwell
Acting Administrative Director
Judicial Council

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
October 5, 2023
Page 2

MT/CR

Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Toni G. Atkins
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Mark Jimenez, Principal Program Budget Analyst, Department of Finance
Henry Ng, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council
Laura Speed, Director, Leadership Support Services, Judicial Council
Jenniffer Herman, Administrative Coordinator, Governmental Affairs, Judicial Council



JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

HON. PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

HON. BRAD R. HILL
Chair, Executive and Planning Committee

HON. ANN C. MOORMAN
Chair, Judicial Branch Budget Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee
Chair, Litigation Management Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Maria Lucy Armendariz
Hon. C. Todd Bottke
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Michelle Williams Court
Hon. Charles S. Crompton
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Maureen F. Hallahan
Ms. Rachel W. Hill
Hon. Brian Maienschein
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS
Ms. Kate Bieker
Hon. Alin D. Cintean
Hon. Judith K. Dulcich
Hon. Maria D. Hernandez
Mr. Charles Johnson
Mr. Darrel E. Parker
Mr. David H. Yamasaki
Hon. Erica R. Yew

MS. MILLICENT TIDWELL
Acting Administrative Director
Judicial Council

Report title: *Transcript Rate Uniformity*

Statutory citation: Government Code section 69950.5

Date of report: September 28, 2023

The Judicial Council has submitted a report to the Legislature in accordance with Government Code section 69950.5.

The following summary of the report is provided under the requirements of Government Code section 9795.

The purpose of this report is to share recommendations to increase uniformity in transcription rate expenditures. The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee formed the Joint Transcript Fee Working Group to research the current state of transcript fee expenditures throughout California. The working group determined that variances in transcript fees are primarily due to the administrative concept of “folio multipliers.” Courts are required to pay a rate per 100 words, which is also known as a “folio.” In using folio multipliers, the number of folios per page is assumed and is not actually counted. The fee is determined by multiplying the number of pages by the assumed number of folios per page. Folio multipliers can be different from court to court, causing variances in transcript fees.

Following multiple meetings of the working group, collaboration with stakeholders and other interested parties, and a public comment session, the working group recommends a transition to the use of a page rate to calculate transcript fees rather than the current method of paying per 100 words. In order to ensure accuracy in calculating page rates, the working group also recommends that the Judicial Council develop a standard transcript format.

The full report can be accessed at www.courts.ca.gov/7466.htm.

A printed copy of the report may be obtained by calling 916-643-7044.

9/28/2023



Transcript Rate Uniformity

REPORT TO THE LEGISLATURE REQUIRED
UNDER GOVERNMENT CODE
SECTION 69950.5

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Patricia Guerrero
*Chief Justice of California and
Chair of the Judicial Council*

Millicent Tidwell
Acting Administrative Director Judicial Council

Robert Oyung
Chief Deputy Director

Shelley Curran
Chief Policy and Research Officer

Laura Speed
Director

Amber Barnett
Principal Manager

Jonathan Sibayan
Supervising Analyst

Corey Rada
Senior Analyst

TCPJAC/CEAC Joint Transcript Fee Working Group

Mr. Brian Taylor, Chair

Court Executive Officer
Superior Court of California,
County of Solano

Hon. Michael G. Bowman

Presiding Judge of the
Superior Court of California,
County of Sacramento

Ms. Melissa Fowler-Bradley

Court Executive Officer
Superior Court of California,
County of Shasta

Hon. Maria D. Hernandez

Presiding Judge of the
Superior Court of California,
County of Orange

Ms. Anabel Romero

Court Executive Officer
Superior Court of California,
County of San Bernardino

Judicial Council Staff

Mr. Corey Rada

Senior Analyst
Judicial Council

Ms. Brenda McCormick

Court Executive Officer
Superior Court of California
County of Ventura

Mr. David Slayton

Court Executive Officer
Superior Court of California,
County of Los Angeles

Table of Contents

Executive Summary	1
Background	1
“Folio” defined	1
Calculating transcript fees	1
Current transcript fee provisions	2
Joint Transcript Fee Working Group	4
Transcript fees in California courts	4
Folio multipliers	4
Federal and other states’ transcript fees	5
Working group outreach	6
Public comment	6
Recommendation	6
Statewide standard	6
Standard page rate	7
Standard transcript format	7
Alternatives considered	8
Word count	8
Standard folio rate multiplier	8
Financial analysis required	9
Appendix A: Folio Multiplier by County	10
Appendix B: Chart of Public Comments	11

Executive Summary

Assembly Bill 177 (Committee on Budget; Stats. 2021, ch. 257) added section 69950.5 to the Government Code requiring the Judicial Council to provide recommendations to increase uniformity in transcription rate expenditures in California in a report to the Legislature by January 1, 2024. The law specifies that the intent of the report is not to reduce the rate of pay or overall compensation to court reporters or to jeopardize collective bargaining agreements. Section 69950.5 also requires that the Judicial Council work in collaboration with key stakeholder groups, including the California Court Reporters Association, exclusively recognized employee organizations representing court reporters, and the Court Reporters Board of California.

In response, the Judicial Council’s Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) convened the Joint Transcript Fee Working Group. After researching the current state of transcript fee expenditures throughout California and collaborating with stakeholders and other interested parties, the working group recommends that transcript fees are calculated using a page rate rather than the current method of paying per 100 words. This report and the recommendation contained within fulfills the legislative mandate.

Background

“Folio” defined

For the purposes of this report, all references to certified verbatim transcripts (hereafter “transcripts”) are those that are purchased by the courts. Current law specifies that court reporters be compensated for transcripts produced at a rate per 100 words. As set out in Government Code section 27360.5, the term “folio” means 100 words.

Calculating transcript fees

Government Code section 69950 provides the basis for calculating the fee for a transcript as follows:

- (a) The fee for transcription for original ribbon or printed copy is one dollar and thirteen cents (\$1.13) for each 100 words, and for each copy purchased at the same time by the court, party, or other person purchasing the original, twenty cents (\$0.20) for each 100 words.
- (b) The fee for a first copy to any court, party, or other person who does not simultaneously purchase the original shall be twenty-six cents (\$0.26) for each 100 words, and for each additional copy, purchased at the same time, twenty cents (\$0.20) for each 100 words.¹

¹ It should be noted that Assembly Bill 177 increased the fee for transcription in Government Code section 69950 from \$0.85 to \$1.13 for each 100 words. The fee for copies of transcripts was increased from \$0.15 to \$0.20 for each 100 words. The fee for non-simultaneous requested copies increased from \$0.20 to \$0.26 for each 100 words, with the fee for additional copies increasing from \$0.15 to \$0.20 for each 100 words.

(c) A trial court practice and policy as to the number of words or folios on a typical transcript page shall not be unilaterally changed by a trial court.

Current transcript fee provisions

Government Code sections 69941 through 69959 relate to “official reporters.” In addition to Government Code section 69950, the statutory and regulatory provisions listed below specifically pertain to transcript fees.

Government Code section 69951 provides: “For transcription, the reporter may charge an additional 50 percent for special daily copy service.”

Government Code section 69952 provides, in part:

- (a) The court may specifically direct the making of a verbatim record and payment therefore shall be from the county treasury on order of the court in the following cases:
 - (1) Criminal matters.
 - (2) Juvenile proceedings.
 - (3) Proceedings to declare a minor free from custody.
 - (4) Proceedings under the Lanterman-Petris-Short Act, (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code).
 - (5) As otherwise provided by law.

Government Code section 69954 provides:

- (a) Transcripts prepared by a reporter using computer assistance and delivered on a medium other than paper shall be compensated at the same rate set for paper transcripts, except the reporter may also charge an additional fee not to exceed the cost of the medium or any copies thereof.
- (b) The fee for a second copy of a transcript on appeal in computer-readable format ordered by or on behalf of a requesting party within 120 days of the filing or delivery of the original transcript shall be compensated at one-third the rate set forth for a second copy of a transcript as provided in Section 69950. A reporter may also charge an additional fee not to exceed the cost of the medium or any copies thereof.
- (c) The fee for a computer-readable transcript shall be paid by the requesting court, party, or person, unless the computer-readable transcript is requested by a party in lieu of a paper transcript required to be delivered to that party by the rules of court. In that event, the fee shall be chargeable as statute or rule provides for the paper transcript.
- (d) Any court, party, or person who has purchased a transcript may, without paying a further fee to the reporter, reproduce a copy or portion thereof as an exhibit pursuant to court order or rule, or for internal use, but shall not otherwise provide or sell a copy or copies to any other party or person.

California Rules of Court, rule 4.155 provides, in relevant part:

(b) Reimbursable ordinary expenditures—court related

Court-related reimbursable ordinary expenses include:

[...]

(2) For court reporters:

(B) The cost of transcripts requested during trial and for any new trial or appeal, using the folio rate of the receiving court.

(C) The cost of additional reporters necessary to allow production of a daily or expedited transcript.

California Code of Regulations, title 2, section 1021.1(b)² provides:

Reporter's fees may be reimbursed in accordance with Government Code Sections 69947 through 69952. In counties where an ordinance prescribes the official reporters fee rate, the county may be reimbursed at the rate prescribed in the ordinance.

California Code of Regulations, title 2, section 1021.8² provides, in relevant part:

(c) Reporter files and transcript costs may be reimbursed at the rates set forth in Government Code Sections 69947 to 69950. Invoices presented for payment must include the number of pages of transcript and folio count per page used in determining total folio count.

(1) The following definitions are applicable:

(A) A transcript is a record of testimony before the court.

(B) Words will be counted on a number of sample pages of transcript to determine average folio count per page. That average will be extended to the total number of pages.

(C) A folio is defined as 100 words, phrases, or characters.

(D) Examples of material included in folio count are:

1. Contractions count as two words, i.e., the word “can’t” counts as two words.
2. Numerals each count as a word, i.e., “May 5, 1979” counts as six words.
3. Alpha numeric phrases count as one word for each character, i.e., “AR 317.5 G” counts as seven words.
4. Speaker identification is included, i.e., “Mr. Jones,” “the witness,” “the court,” “Q,” “A.” (Eight words shown.)
5. Hyphenated words count as two words, i.e., “home-owned” counts as two words.
6. The date and time stated at the beginning of each session is included in the folio count.

² California Code of Regulations, title 2, sections 1021.1(b) and 1021.8 are specific to state reimbursement to counties for the cost of homicide trials.

7. Abbreviations are counted as if the words were written out, i.e., “Mr.,” “Dr.,” “Sgt.,” “U.S.A.” (Six words shown.)
- (E) Examples of material not included in folio count are:
1. Title page;
 2. Indexes to witnesses, exhibits, etc.;
 3. Reporter’s certification page;
 4. Reporter’s commentary on events in courtroom that are not part of testimony;
 5. Reporter’s description of exhibits that are not part of testimony;
 6. Page numbers.

Joint Transcript Fee Working Group Charge

The TCPJAC/CEAC Joint Transcript Fee Working Group was charged with reporting to the Legislature recommendations to increase uniformity in transcription rate expenditures in California under Government Code section 69950.5. The working group was formed in June 2023 to develop recommendations to increase uniformity in transcription rate expenditures without reducing court reporter compensation or jeopardizing bargaining agreements. The working group held six meetings in total, with two of those meetings involving outside stakeholders.

Transcript fees in California courts

To determine the current level of uniformity in transcription rate expenditures, the working group conducted a survey of courts throughout California. Although the response rate was not 100 percent, courts reported that they were paying the statutorily required fee (\$1.13) per 100 words. The working group noted, however, that there was divergence in how the number of words was calculated.

Folio multipliers

The administrative concept of “folio multipliers” is used by many courts to establish a basis for compensation. In using folio multipliers, the number of folios per page is assumed and is not actually counted. The fee is determined by multiplying the number of pages by the assumed number of folios per page. Courts across the state reported a range of folio multipliers that includes a high of 3.5 and a low of 2.5. For example, in a court in which a folio multiplier of 3.5 has been established, reporters are paid assuming there are 350 words per page. For reference, a full chart of the folio multipliers used by different counties is included in Appendix A. Although the Government Code is clear on the rate that should be paid per folio, the variation in folio multipliers results in a lack of uniformity throughout the state.

The purpose of folio multipliers appears to have been to prevent the need to calculate the exact number of words in a transcript. Without a standard folio multiplier in place, the result has been a disparity in the cost of transcripts within and among courts throughout the state. For example, for an original transcript with the same number of words but prepared in different courts, the cost

of that transcript may range from \$2.83 per page based on a reported folio multiplier of 2.5 to \$3.96 per page based on a reported folio multiplier of 3.5.

Survey data indicates that, for many courts, the folio multiplier was developed as part of an administrative court policy and has not historically been subject to bargaining. Most courts also indicated that a folio multiplier has been used at their court for a decade or more. Without the use of folio multipliers, courts would be required to count the words in a transcript using the complicated word count rules of California Code of Regulations, title 2, section 1021.8.

Federal and other states' transcript fees

The working group was interested in learning how transcript fees are calculated throughout the United States. In researching the transcript fees paid by the Federal Court Reporting Program³ and other states' judicial branches, the working group noted that a page rate was one of the most common methods of determining transcript fees. Maximum transcript rates per page are set at the national level for all federal district courts by the Judicial Conference of the United States. For reference, the current maximum federal rates per page are shown below.

Table 1. Federal maximum per page transcript rates

Transcript Type	Original	First Copy	Each Add'l Copy
Ordinary Transcript (30 day)	\$3.65	\$.90	\$.60
14-Day Transcript	\$4.25	\$.90	\$.60
Expedited Transcript (7 day)	\$4.85	\$.90	\$.60
3-Day Transcript	\$5.45	\$1.05	\$.75
Daily Transcript	\$6.05	\$1.20	\$.90

Many other states have a similar page rate structure for paying transcript fees. The working group noted the following states and their page rates:

Table 2. Selected state per page transcript rates

State	Original	Expedited	First Copy	Add'l Copies
Arizona	\$2.50	-	\$0.30	-
Iowa	\$3.50	\$4.50	Included	\$0.50
Michigan	\$1.75	-	-	\$0.30
Massachusetts	\$3.00	\$4.50	\$1.00	-
Minnesota	\$4.25/\$5.75	-	-	-
Montana	\$2.00	\$4.00	\$0.50	\$0.25
New York	\$2.50	-	\$1.00	-
Oregon	\$3.00	-	-	-
Pennsylvania	\$2.50	\$3.50	-	-
Tennessee	\$4.00	-	-	-
Wisconsin	\$1.50	-	\$0.50	-

³ See www.uscourts.gov/services-forms/federal-court-reporting-program.

Source: [Arizona Transcript Fees](#), [Iowa Transcript Fees](#), [Michigan Transcript Fees](#), [Massachusetts Transcript Fees](#), [Minnesota Transcript Fees](#), [Montana Transcript Fees](#), [New York Transcript Fees](#), [Oregon Transcript Fees](#), [Pennsylvania Transcript Fees](#), [Tennessee Transcript Fees](#), [Wisconsin Transcript Fees](#).

It was also noted that other states such as Ohio, Washington, Florida, and Indiana have courts that utilize a page rate but do not do so on a statewide basis. The working group was unable to find another jurisdiction that utilizes a folio rate when calculating transcript fees.

Working group outreach

On July 20, 2023, the Joint Transcript Fee Working Group met with representatives from the California Court Reporters Association, the California Court Reporters Board, the Service Employees International Union, and the Orange County Employees Association. The purpose of the meeting was to invite input and gather ideas from stakeholders to address Government Code section 69950.5 requirements and develop substantive recommendations to improve uniformity in transcript fees.

Stakeholders attending the meeting voiced their concerns about making recommendations that would jeopardize bargaining agreements or would lower the pay for their members. During the meeting, stakeholders shared their thoughts on the folio system currently in place in California and requested that changes to the current system include extensive discussion and negotiation to ensure a fair outcome for court reporters. The working group reiterated that the goal of this effort was to increase uniformity, pursuant to statutory requirements. A suggestion was received that all courts could move to offering the highest folio multiplier rate currently in use in the state to avoid lowering court reporters' pay. Stakeholders stated that they would oppose a word count to determine transcript fees as it could lead to disagreement on the logistics of counting words, a decrease in pay, and additional complexity in the determination of transcript fees.

Public comment

In addition to the stakeholder meeting, the Joint Transcript Fee Working Group held a public meeting on July 27, 2023, dedicated to public input to further inform members of potential recommendations. Altogether, 26 people attended the session, including members of the working group, Judicial Council staff, observers, and commenters. Two public comments were presented virtually during the session, and five written comments were submitted by the deadline for written comments of July 27, 2023. The working group reviewed all comments submitted prior to developing the recommendation in this report. A chart of the written and public comments submitted and the working group's responses is included in Appendix B.

Recommendation

Statewide standard

The working group agreed on the need for a statewide standard to address the issue of variances in the folio rate multiplier that results in a disparity in transcript fee expenditures. The goal is to

create a more consistent transcript fee statewide. The working group recommends moving to a standard page rate to calculate transcript fees as the best way to accomplish this goal.

Standard page rate

This simplified method of determining transcript fees ensures no variation based on geographic location and makes the cost of transcripts clear for all parties involved. Determining the number of pages in a transcript can be done quickly and easily and a standardized page rate would allow all parties to be able to confirm transcript fees without additional abstractions such as folios and folio multipliers. Furthermore, a standard page rate would allow court reporters throughout the state to know that their transcripts cost the same as those of court reporters from neighboring counties. The use of a page rate is widespread in other jurisdictions throughout the United States, and this is a testament to the simplicity and reliability of using this method to determine transcript fees.

The use of a page rate to calculate transcript fees was supported by public comments from stakeholders, with stakeholders noting that any standardization of a page rate would require further discussion. When developing its recommendation, the working group noted that the use of a page rate is not substantially different than the use of a folio rate and folio rate multiplier. For example, a court that pays a 3.5 folio multiplier rate (3.5 folios per page × \$1.13 per folio) essentially pays a page rate of \$3.96 per page. The folio rate multiplier methodology was developed to avoid the complexity of a word count. The transition to a page rate would simplify the process without resulting in a difficult transition for parties paying and receiving transcript fees.

Standard transcript format

Transitioning to a page rate would require a standard transcript format to ensure consistency. Currently there does not appear to be unanimous agreement on transcript format, with variations from court to court. Transcript format variations include, but are not limited to fonts, margins, line spacing, and characters per line. Variances in formatting create not only difficulty in readability for the user, but also divergent costs due to the manner in which transcript charges are determined. With the establishment of a statewide transcript format, variations between transcripts would be kept to a minimum and a page rate for transcript fees could be consistently implemented.

While determining a transcript format standard is beyond the scope of the working group and this report, California Code of Regulations, title 16, section 2473(a) includes the following minimum transcript format standards that may be useful in helping to develop a unified standard:

- (1) No fewer than 25 typed text lines per page;
- (2) A full line of text shall be no less than 56 characters unless time-stamping is used, in which case no fewer than 52 characters shall be used on a full line of text;
- (3) Timestamping may only be printed on a transcript under any of the following circumstances:
 - (A) when a deposition is videotaped;
 - (B) when requested by counsel on the record, or

- (C) when a transcript will have not less than 56 characters per line.
- (4) Left-hand margin is defined as the first character of a line of text;
 - (5) Each question and answer is to begin on a separate line;
 - (6) Text is to begin no more than 10 spaces from the left margin. “Q” and “A” Symbols shall appear within the first 8 spaces from the left-hand margin;
 - (7) Carry-over “Q” and “A” lines to begin at the left-hand margin;
 - (8) Colloquy and paragraphed material to begin no more than 10 spaces from the left-hand margin with carry-over colloquy to the left-hand margin;
 - (9) Quoted material to begin no more than 14 spaces from the left-hand margin with carry-over lines to begin no more than 10 spaces from the left-hand margin;
 - (10) Parenthetical and exhibit markings of two lines or more shall be no less than 35 characters per line; and
 - (11) In colloquy, text shall begin no more than two spaces after the colon following speaker “ID.”

To ensure the consistent use of a standard transcript format and uniformity in expenditures in California, a rule would need to be developed and adopted to codify the formatting requirements.

Alternatives considered

Word count

In developing its recommendation, the working group considered and decided against recommending the use of a word count to determine transcript fees. Although counting each word in a transcript could potentially result in greater uniformity, the working group believes that it may create other difficulties. The use of a word count was also generally unpopular with stakeholders. The working group received feedback that a word count would add complexity to the calculation of transcript fees.

The working group noted that without the use of standardized word counting software, it may be difficult to ensure the accuracy of a word count performed by different entities. While technology has made counting each word in a transcript easier, each court would need to use the same software or method of counting words to make sure transcript fees are calculated appropriately. This additional complexity, along with the fact that a page rate is inherently more understandable to all parties and easier to monitor and audit, pushed the working group to reject a word count as its recommendation.

Standard folio rate multiplier

The working group explored the possibility of a standard folio rate multiplier as a recommendation. Since the majority of courts already utilize a folio rate multiplier, moving to a

standard folio rate multiplier would not be difficult for stakeholders to understand and would accomplish the goal of creating uniformity. However, the working group felt that the concept of a folio rate multiplier was an unnecessary abstraction adopted to meet the requirements found in Government Code section 69950 and that it ultimately would create more confusion when attempting to ascertain the accuracy of a transcript invoice. The use of a folio rate multiplier makes sense with the current statutory scheme of paying per 100 words, but a move to a page rate simplifies and clarifies the payment process by removing the folio concept entirely.

Financial analysis and legislation required

The working group's recommendation of moving to a page rate would require some groundwork before implementation. Further research would need to be done exploring the specific folio rate agreements courts have in place. Under Government Code section 69950.5, the transition to a page rate should not reduce the rate of pay for court reporters. A financial analysis would need to be completed to determine the net expenditure increase for the courts as well as to ensure net revenue neutrality for court reporters.

This financial analysis is beyond the scope of the working group and the charge in Government Code section 69950.5. The working group notes that any change to transcript fees outside of the recommendation contained in this report would also require a similar financial analysis.

To implement a page rate, the current payment scheme of paying per 100 words pursuant to Government Code Section 69950 would need to be amended by the legislature.

Appendix A: Folio Multiplier by County

Court	Folio Multiplier
Alameda	2.5–2.75
Alpine	3
Amador	2.6
Butte	3
Calaveras	2.8
Colusa	N/A
Contra Costa	2.75–3
Del Norte	2.6
El Dorado	2.8
Fresno	2.5
Glenn	2.8
Humboldt	3
Imperial	2.8
Inyo	3
Kern	2.8
Kings	2.8
Lake	N/A
Lassen	3
Los Angeles	2.58
Madera	2.523
Marin	3
Mariposa	2.5
Mendocino	N/A
Merced	2.5
Modoc	3
Mono	3
Monterey	2.8
Napa	2.8
Nevada	3
Orange	3
Placer	2.8–3.2
Plumas	2.8
Riverside	3
Sacramento	2.75
San Benito	2.5
San Bernardino	2.64
San Diego	2.8
San Francisco	3
San Joaquin	2.58
San Luis Obispo	2.8
San Mateo	3
Santa Barbara	3

Court	Folio Multiplier
Santa Clara	2.7
Santa Cruz	2.5
Shasta	3.5
Sierra	N/A
Siskiyou	3
Solano	2.8
Sonoma	3
Stanislaus	2.5–3
Sutter	2.8
Tehama	N/A
Trinity	3
Tulare	2.5
Tuolumne	2.5
Ventura	2.65
Yolo	2.8
Yuba	N/A

Appendix B: Chart of Public Comments

The public comments are provided here in their original, unedited version.

No.	Commenter, Title, and Organization	Comment	Working Group Response
1.	<p>Service Employees International Union (SEIU)</p> <p>Sandra Barreiro Governmental Relations Advocate</p>	<p>I am submitting public comment on behalf of the Service Employees International Union (SEIU), California State Council regarding recommendations to increase uniformity in transcription rate expenditures. SEIU represents certified shorthand reporters (CSRs) in 32 counties across California and is uniquely qualified to comment on the varying and complex nature of transcription rates.</p> <p>As you know, California trial courts are already struggling to recruit and retain official court reporters. There are approximately 5,500 licensed CSRs statewide, and the majority prefer the higher compensation, scheduling flexibility, and working conditions provided by private employment and freelance work. Since trial courts cannot offer the same scheduling flexibility and working conditions, we must prioritize official court reporter compensation to ensure trial courts can recruit and retain CSRs.</p> <p>Any recommendation to increase transcript rate uniformity should not reduce current CSR compensation. Existing folios, or page rates, were negotiated through collective bargaining based on various factors, including the number of lines per page and salary schedules. For example, some courts offer higher folios to compensate for lower salary schedules. To maintain current CSR compensation, if a uniform transcript rate were enacted, it should match the highest current folio at minimum. Otherwise, trial courts further risk losing CSRs whose transcript rate is reduced to private work. Our recommendation, however, is to enact a uniform transcript rate above the highest current folio to help courts recruit and retain employees.</p> <p>Lastly, we oppose any proposal that adds unnecessary complexity to calculating fees, including a uniform rate based on word count. A word count rate would first require robust discussion of how many and which characters constitute one word, a topic likely to invite a wide range of opinions. Some could argue that longer words should be billed at a higher rate than shorter words. Additionally, a word count rate is more</p>	<p>Although the working group recommendation is for transcript fees to move to a page rate, it does not specify what that rate should be. The working group recognized that a more in-depth financial analysis as well as additional discussions with stakeholders would be needed to implement the recommendation and prior to establishing a rate.</p> <p>The working group agrees that a word count would be difficult to implement and is therefore not a part of the recommendation.</p>

No.	Commenter, Title, and Organization	Comment	Working Group Response
		<p>difficult for court users to interpret and apply, which creates administrative burdens that do not exist when all parties simply count pages.</p> <p>Thank you for your time and consideration of our recommendations. We look forward to working together to strengthen and grow official court reporter employment.</p>	
2.	<p>American Federation of State, County and Municipal Employees (AFCSME)</p> <p>Paige Moser, Vice President</p>	<p>I am submitting public comment on behalf of the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO regarding recommendations to increase uniformity in transcription rate expenditures. AFSCME represents court professionals and certified shorthand reporters (CSRs) in ten different counties across the state including CSRs in Los Angeles, Merced, and Humboldt Counties to name a few, who play a critical role in the California legal system, producing accurate, impartial transcripts of legal proceedings.</p> <p>Our members believe that any recommendation to increase transcript rate uniformity should not reduce current CSR compensation. Existing folios, or page rates, were negotiated through collective bargaining based on various factors, including the number of lines per page and salary schedules. For example, some courts offer higher folios to compensate for lower salary schedules. To maintain current CSR compensation, if a uniform transcript rate were enacted, it should match the highest current folio at minimum. Otherwise, trial courts further risk losing CSRs whose transcript rate is reduced to private work. Our recommendation, however, is to enact a uniform transcript rate above the highest current folio to help courts recruit and retain employees.</p> <p>Lastly, we oppose any proposal that adds unnecessary complexity to calculating fees, including a uniform rate based on word count. A word count rate would first require robust discussion of how many and which characters constitute one word; a topic likely to invite a wide range of opinions. Some could argue that longer words should be billed at a higher rate than shorter words. Additionally, a word count rate is more difficult for court users to interpret and apply, which creates administrative burdens that do not exist when all parties simply count pages.</p> <p>Thank you for your time and consideration of our recommendations.</p>	<p>This comment is substantially similar to Comment #1. Please see the response above.</p>

No.	Commenter, Title, and Organization	Comment	Working Group Response
3.	<p>Michelle Caldwell California Court Reporters Association</p> <p>Carolyn Dasher Service Employees International Union</p> <p>Kristi Johnson Orange County Superior Court Reporters Association</p> <p>Cindy Tachell Los Angeles County Court Reporters Association</p> <p>Sandy Walden Contra Costa Superior Court</p>	<p>Thank you for meeting with us briefly last Thursday, July 20, to begin to discuss the report mandated by Government Code Section 69950.5. While our scheduled meeting time was unexpectedly limited, we nevertheless appreciated the invitation to get together for an initial open discussion.</p> <p>It is our understanding from both the letter and the spirit of the statute that the Judicial Council must work in collaboration with representatives of court reporters in the development of this report. Unbeknownst to those of us who attended, we were not part of this working group. Instead, we were invited to provide input and information but not to exchange ideas or to collaborate on any report.</p> <p>Additionally, we are aware that there is a public comment period scheduled today from 1:30 pm to 3:30 pm for this working group. We have several concerns with this approach. Most importantly, it is scheduled during a business date and time when the majority of our colleague court reporters are most certainly on the record in their respective counties around the state, severely limiting reporters' opportunity for participation. As a result, we are concerned about the value of the input when it will not include the very professionals who would be impacted by any recommendation to the Legislature by this body. Disappointingly, though the public comment period today was scheduled to be open for two hours, the line remained active for just thirty minutes.</p> <p>As was touched upon in the July 20 meeting, it's imperative that we be cognizant of counties that have negotiated folio rates to make up for their below-average salaries and how any recommendations this body makes to the Legislature might affect those reporters. The real risk of breaching any bargaining agreements and reducing any reporter's salary, which would be in direct contradiction to the language of 69950.5, are of great concern to us.</p> <p>Reporters went 32 years without a transcript rate increase. Now that one has been adopted, we are deeply committed to ensuring fairness across the state for every reporter by keeping that increase intact. Perhaps a page rate is an effective solution, along with formatting standards the Court Reporters Board already has in place. Perhaps adopting something similar to the federal guidelines is in order.</p>	<p>The working group welcomed all input from stakeholders during the development of this report. Stakeholders attended a meeting prior to the public comment session and working group members engaged with stakeholders to gather their ideas and input in increasing transcript fee uniformity.</p> <p>Working group members urged the attending stakeholders to bring additional comments, concerns, and suggestions to the public comment session held on July 27. The session was scheduled for two hours to ensure that the working group would have time to hear all comments but ended early as no additional commenters joined the meeting. Written comment was accepted until 5:00 p.m. on July 27.</p> <p>The working group agrees with the suggestions to move to a page rate along with utilizing the standards from the Court Reporters Board. The report reflects these suggestions.</p>

No.	Commenter, Title, and Organization	Comment	Working Group Response
		<p>To that end, we look forward to collaborating with you more in depth and with our fellow stakeholders statewide, particularly those outlined by 69950.5, the many “exclusively recognized employee organizations representing court reporters.”</p> <p>Again, thank you for the introductory meeting. We are eager to hear your ideas and to work through this together.</p>	
4.	<p>Orange County Employees Association</p> <p>Tim Steed, Assistant General Manager</p>	<p>The Orange County Employees Association is the exclusive recognized employee organization representing Court Reporters in the Orange County Superior Court. As a recognized stake holder in California Government Code 69950.5 our union feels it is imperative that this committee be cognizant of counties that have negotiated folio rates to make up for their below-average salaries and how any recommendations this body makes to the Legislature might impact collective bargaining agreements and worker economic security.</p> <p>Also, we oppose any proposal that adds unnecessary complexity to calculating fees, including a uniform rate based on word count. A word count rate would first require robust discussion of how many and which characters constitute one word, a topic likely to invite a wide range of opinions. Some could argue that longer words should be billed at a higher rate than shorter words. Additionally, a word count rate is more difficult for court users to interpret and apply, which creates administrative burdens that do not exist when all parties simply count pages</p> <p>Before any final recommendation can be made to the legislature, more collaboration with defined stakeholders is necessary.</p>	<p>This comment is substantially similar to Comment #1. Please see the response above.</p>
5.	<p>Carolyn Dasher, Service Employees International Union</p> <p>(Comment provided during live public comment session)</p>	<p>My name is Carolyn dasher and I’m here on behalf of SEIU. I just wanted to let you know that the attendees that were at the meeting last week will be sending a letter before the 5:00 o’clock deadline because most of those reporters are in court and they’re not able to be here. The only thing I did want to say is that the recommendation should include raising the rate of pay higher than the highest rate given in the state.</p>	<p>Although this report makes the recommendation of moving to a page rate, it does not contemplate the amount that should be paid per page. The working group recognized that a more in-depth financial analysis as well as additional discussions with</p>

No.	Commenter, Title, and Organization	Comment	Working Group Response
			stakeholders would be needed to implement the recommendation.
6.	<p>Sandra Barreiro Service Employees International Union</p> <p>(Comment provided during live public comment session)</p>	<p>I wanted to make a couple of comments. SEIU represents court reporters in 32 counties across the state so we're very familiar with the level of complexity and varied nature of different folio rates and how they're calculated. This is because a lot of these rates were negotiated depending on various factors like salary schedules and what other courts were offering. When considering a uniform rate I think you have to consider all of the different collective bargaining agreements across the state. I also wanted to add that whatever system or proposal is being considered, we would be opposed to anything that adds complexity. A word count rate would obviously add new layers to calculating how much to charge a consumer and there would have to be robust discussion around what constitutes a word or what happens when a word is hyphenated. We would be opposed to any sort of proposal to calculate transcript rates based upon a word count.</p>	<p>This comment is substantially similar to Comment #1. Please see the response above.</p>