

Judicial Council's Code of Civil Procedure Section 367.9 Working Group (367.9 Working Group)

Summary of Materials from Working Group Meeting on September 8, 2022

September 30, 2022

Presented/Provided Item	Source	Description
Remote Proceedings in California Trial Courts	Presented by Carolyn Dasher, SEIU	Full PowerPoint presentation delivered by Ms. Dasher from the Service Employees International Union regarding court reporters



REMOTE PROCEEDINGS IN CALIFORNIA TRIAL COURTS

PRESENTED BY CAROLYN DASHER, SEIU

RECENT SURVEY

Over 100 responses from various Counties

- ▶ Los Angeles
- ▶ Mendocino
- ▶ Napa
- ▶ Orange
- ▶ San Diego
- ▶ Kern
- ▶ San Francisco
- ▶ San Luis Obispo
- ▶ Santa Clara
- ▶ Solano
- ▶ Ventura
- ▶ Yolo

RESPONSES

- ▶ Inadequate technology for users / time wasted
- ▶ Audibility issues due to insufficient technology by many/all participants
- ▶ Lack of participants following protocol and orders of Bench Officer
- ▶ Participants are muted and continue to speak / time wasted
- ▶ Bench Officer in chambers or remotely appearing / inability to communicate with them
- ▶ No hard-wired internet access
- ▶ Appearances for Attorneys not given on record
- ▶ Reporter muted / unable to communicate with Bench Officer

MORE RESPONSES

- ▶ Remote attorneys multi-tasking / texting, eating, smoking, talking to kids/others, TV on, dogs, phones ringing,
- ▶ Lag time with some technology/ time wasted
- ▶ Lack of courtroom decorum and respect
- ▶ WiFi issues / Insufficient broadband / cutting in and out
- ▶ Delays / time wasted
- ▶ Courthouses not appropriately equipped
- ▶ Attorney sanctioned due to inability to connect to remote hearing
- ▶ Parties talking over one another due to sound delay

NECESSARY EQUIPMENT FOR OFFICIAL REPORTERS

- ▶ Computer and Monitor
- ▶ Microphone
- ▶ Headphones and Speaker
- ▶ Remote program admin rights for reporter
- ▶ Hardwired secure internet and intranet access
- ▶ Courtroom microphones for parties
 - ▶ Lapel mics or table mics
- ▶ Cameras on all participants, including reporter

**PROCEEDINGS MUST RUN AS IF
EVERYONE IS IN THE COURTROOM**

Additional Courtroom Necessities

- ▶ Reporter not muted by court staff
- ▶ Reporter must have direct communication with Bench Officer
- ▶ Remote protocol created and enforced for all participants
- ▶ Admonition to each remote participant by Judge before each hearing, including prohibition from recording proceedings
- ▶ Remote participant courtroom decorum protocol
 - ▶ Same professionalism as in-person
 - ▶ No driving
 - ▶ Appropriate attire
 - ▶ Quiet background atmosphere
- ▶ Adequate remote participant technology and connection
 - ▶ Or in-person appearance required

Additional Information

- ▶ Ask court staff users for input
 - ▶ Interpreters
 - ▶ Encourage feedback from non-English speaking parties
 - ▶ Court Reporters
 - ▶ Bailiffs
 - ▶ Judicial Assistants/Courtroom Clerks
 - ▶ IT court staff
- ▶ No proceedings where testimony is taken
- ▶ No juvenile proceedings
 - ▶ Minors need to confer with their attorneys in person

WE NEED TO HAVE INPUT TO CREATE APPROPRIATE PROTOCOL



COURT REPORTERS IN CALIFORNIA TRIAL COURTS

OFFICIAL COURT REPORTERS

- ▶ Courtroom technology experts since the 1980s
- ▶ Providing their own equipment saving the courts millions over time
 - ▶ Computer Technology – state of the art steno machine and laptop
 - ▶ Computer Aided Transcription Technology
 - ▶ Realtime for Bench Officer, Attorneys on request
 - ▶ CART for hearing impaired litigants/jurors/attorneys
 - ▶ Efficient side-bar equipment
 - ▶ Immediate readback capability
 - ▶ Work after hours with no overtime (GC69954)
 - ▶ 32 years before a transcript rate increase in 2021

Court Budget Effects on Official CSRs

- ▶ 2002
 - ▶ LASC lays off court reporters
- ▶ 2012
 - ▶ LASC lays off court reporters (as did many other counties)
 - ▶ Takes Officials out of civil courts creating lack of court access for indigents
 - ▶ Created freelance reporter market with exorbitant fees for litigants
- ▶ 2022
 - ▶ LASC proposes plan to take officials out of Family Law Departments



HISTORY AND STRATEGY

LEGISLATIVE EFFORTS TO FUND CSRs

- ▶ 2009 GC68086.5 civil fee raised
- ▶ 2013 GC68086 \$30 fee kept by County
- ▶ 2018 \$10 million one-time funding for family law reporters
- ▶ 2021 transcript rate increase (after 32 years)
- ▶ 2021 \$30 million ongoing funding for civil and family law reporters
 - ▶ Courts could not utilize funding for court reporters due to restrictions placed on money by the Judicial Council advocacy
- ▶ 2022 \$30 million ongoing funding
 - ▶ Language amended to allow courts to compete with private industry, funds to be used for:
 - ▶ Recruitment and retention
 - ▶ To be used in all case types

PROPOSED RECRUITMENT IDEAS

- ▶ CSR exam presence, in-person or online
- ▶ Advertising
 - ▶ Online ads / Social Media / LinkedIn
- ▶ CCRA convention presence
- ▶ NCRA convention presence
- ▶ Journal of Court Reporting ad (print and online)
- ▶ Hire an Employment Recruiter
- ▶ Court open house / Meet & Greet
- ▶ Visiting court reporting schools to talk about benefits
- ▶ Attend Career Fairs
- ▶ Highlight on-the-job training provided
- ▶ Emphasize benefits and no test when advertising
- ▶ Highlight LACERA retirement reciprocity
- ▶ Send employment flyer to all licensed California CSRs
- ▶ Cultivate a list of CSRs available to mentor new-hires
- ▶ Handouts
 - ▶ For all in-person events



THANK YOU