

April 12, 2023

The Honorable Thomas J. Umberg, Chair
Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

Re: SB 662 (Rubio), as amended March 20, 2023 - Support

Dear Senator Umberg:

The California Lawyers Association (CLA) supports SB 662, which authorizes a court to order that, in any civil case, the action or proceeding be electronically recorded if an official reporter or an official reporter pro tempore is unavailable, as specified.

In *Jameson v. Desta* (2018) 5 Cal.5th 594, the California Supreme Court 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 of a trial court judgment decided on the merits.” Even without an appeal, the absence of a verbatim record can have an adverse impact on litigants in the trial court when, for example, a dispute or uncertainty arises about the court’s decision or the basis of that decision.

Certified shorthand reporters are the preferred way to create a verbatim record. Consistent with this preference, SB 662 requires the court to make every effort to hire a court reporter for an action or proceeding before electing to have the action or proceeding be electronically recorded. If a transcript of court proceedings is requested, the bill requires the court to provide a certified shorthand reporter the right of first refusal to transcribe the electronically recorded proceeding. In addition, the bill takes steps to address the court reporter shortage by permitting the Court Reporters Board to issue a provisional certificate to an individual who has passed the National Court Reporters Association exam or who is eligible to take the examination to become a certified shorthand reporter. The bill also requires the Judicial Council to collect information from courts regarding how they are utilizing funds appropriated to recruit and hire court reporters, and to report to the Legislature the efforts courts have taken to hire and retain court reporters and how the funds appropriated for this purpose have been spent.

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Unfortunately, the number of court reporters is not keeping pace with the need, and parties are often left with no verbatim record at all. This threatens access to justice, particularly for those who cannot afford to pay for their own private court reporter when the court does not have enough court reporters for civil cases. SB 662 will increase access to justice by addressing the critical shortage of court reporters.

For these reasons, CLA supports SB 662.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Evans', with a stylized flourish at the end.

Jeremy M. Evans
President