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SUPERIOR COURT OF LOS ANGELES COUNTY ISSUES GENERAL ORDER ALLOWING ELECTRONIC RECORDING IN SPECIFIED CIRCUMSTANCES TO PROTECT CONSTITUTIONAL RIGHTS OF LITIGANTS

General Order Provides Access to a Verbatim Record of Court Proceedings for Thousands of Litigants Who Have Previously Been Denied Access Due to Worsening Court Reporter Shortage and Restrictions on Electronic Recording

Presiding Judge Samantha P. Jessner today issued [General Order 2024-GEN-011-00](#) which will enable a significant number of litigants to access an electronic recording of the proceedings when a court reporter is not available. The Order directs Executive Officer/Clerk of Court David W. Slayton to instruct court staff, when requested by the judicial officer presiding over the proceeding and when a court reporter is not available, to operate electronic recording equipment in certain family law, probate and civil proceedings so that litigants have access to a verbatim record of those proceedings. General Order 2024-GEN-011-00 applies only when the Court is unable to provide an official court-employed court reporter due to an ongoing and well-documented court reporter shortage, when a litigant is unable to secure the services of a private sector court reporter at the litigant's expense and when the judicial officer makes specific findings that fundamental constitutional rights are at stake. General Order 2024-GEN-011-00 is effective immediately throughout the Superior Court of Los Angeles County in the specified case types.

"For too long, hundreds of thousands of litigants in family law, probate and civil cases have been denied equal access to justice in violation of their constitutional rights by having no practical ability to exercise their right to appeal – when fundamental constitutional rights relating to marriage, child custody and individual self-determination and liberty are at stake. This is the result of the Court being unable to provide a verbatim record of these proceedings because of the chronic court reporter shortage and statutory restrictions on electronic recording. For decades, the applicable statute has allowed electronic recording in criminal misdemeanor, limited civil and infraction cases but prohibited electronic recording in family law, probate and unlimited jurisdiction civil cases where court-employed court reporters are unavailable," Presiding Judge Jessner said. "Today's General Order recognizes that the applicable statute violates the equal protection and due process clauses of the state and federal constitutions by depriving litigants of a right to a meaningful appeal when fundamental rights are at stake in the specified proceedings."

In 2018, the California Supreme Court found that the lack of a verbatim record will “frequently be fatal” to a litigant’s ability to have an appeal decided on the merits.¹ This burden falls heaviest on litigants in family law, probate and unlimited civil cases, in which the Court is unable to provide court-employed court reporters due to the chronic court reporter shortage and in which the Government Code prohibits using electronic recording to capture a verbatim record in the absence of a court reporter. This is despite electronic recording being widely used and permissible without incident in misdemeanor criminal, limited civil and infraction proceedings for decades (the Court’s Appellate Division considers approximately 500 appeals per year in which the record is created with electronic recording with no issues). Many of the impacted litigants are low income and self-represented and unable to afford the exorbitant cost of hiring a private sector court reporter, which can cost up to \$3,300 a day. This confluence of factors has made a verbatim record out of reach of those without significant means, resulting in unequal access to justice for many litigants in Los Angeles County.

The Superior Court of Los Angeles County greatly values its court reporter workforce and has taken and will continue to take extraordinary steps to fill courtrooms with court reporters, as evidenced by the Court’s significant and well-publicized [investments in court reporter retention and recruitment](#). In addition to the Court’s generous recruitment and retention incentives, it has attempted to hire as many court reporters as possible, advertising the position heavily in LA Metro stations and on buses throughout Los Angeles County, on billboards on the side of the 110 freeway in Downtown Los Angeles and on the Court’s social media. The Court is also actively working to build the pipeline of future reporters, [announcing in April](#) a first-of-its-kind in-house training program for current court employees to become court reporters. The first cohort of trainees began their training in July and are expected to be eligible to sit for the certification exam in Fall 2025.

Notwithstanding the Court’s significant recruitment, retention and proactive pipeline-building efforts, the number of court-employed court reporters continues to decline, with the Court recording a [net loss of 117](#) court reporters since 2018—including a net loss of 11 court reporters since the Court’s targeted retention and recruitment efforts began last year. With over 70 percent of the Court’s 315 court reporter employees eligible to retire today, the challenge of keeping courtrooms—including felony criminal and juvenile courtrooms—staffed with court reporters is expected to increase.

This is not unique to Los Angeles County. In fact, the California Legislative Analyst’s Office [reported in March 2024](#) that California trial courts needed 691 additional full-time court reporters to “provide court reporters in all proceedings where electronic recording is not authorized.” According to the California Court Reporters Board, only 68 new licenses were issued statewide in the most recent reported fiscal year. Most striking, the stark and steady decline of court-employed court reporters in Los Angeles County, combined with restrictions on electronic recording, has now left [hundreds of thousands of litigants](#) without any verbatim record of what transpired in their proceedings, significantly hampering their ability to appeal their case.

Trial courts across California have been [sounding the alarm](#) on the worsening court reporter shortage and its impact on equal access to justice for years. In 2023, Senator Susan Rubio introduced [Senate Bill 662 Courts: court reporters](#), which would have authorized electronic recording in all civil cases, including family law and probate cases, when a court-employed court reporter is unavailable. Despite a significant coalition of legal aid groups, bar associations, trial courts ([including the Superior Court of Los Angeles County](#)) and judicial branch leaders expressing support for the bill in the name of equal

¹ *Jameson v. Desta* (2018) 5 Cal.5th 594, 608, fn. 1.

protection and due process for litigants, the bill did not make it out of the Appropriations Committee in the Senate. The California Legislature did not address the issue by alternative means before it took its final recess on August 31, 2024, leaving tens of thousands more litigants likely to leave a courtroom in Los Angeles County before the end of the year with no verbatim record of what transpired and effectively eliminating their right to an appeal.

An immediate solution to this inequity is needed, not to displace court reporters, but to ensure an accurate and reliable alternative to capture the record is available in the absence of a court reporter. A parent needing appellate review of a family law judge's custody decision cannot wait. A spouse needing appellate review of a large spousal support order cannot wait. An individual ordered placed under a conservatorship needing appellate review cannot wait. To address the urgency of this significant constitutional crisis, General Order 2024-GEN-011-00 provides an important and immediate option for judicial officers to ensure equal access to records in the absence of a court reporter.

“What we’ve witnessed for years is a two-tiered system of justice – one tier where litigants in certain case types can easily access an affordable verbatim transcript of their proceedings via either a court-employed court reporter or a transcript created through electronic recording, enabling them to effectively navigate and appeal their cases, and another where litigants have no access to a verbatim record at all,” Executive Officer/Clerk of Court David W. Slayton said. “This daily reality is inconsistent with the Superior Court of Los Angeles County’s mission of providing fair and equal access to justice. Through today’s General Order, the Court now has the ability to ensure an accurate verbatim record is captured using electronic recording in the absence of a court reporter in family law and probate proceedings when fundamental liberty interests are at stake. We will continue our extensive efforts to expand our court reporter workforce to cover this need, but today’s action ensures there is a constitutional safety net when a court reporter is not available.”

General Order 2024-GEN-011-00, effective today, enables judicial officers presiding over family law, probate and civil contempt proceedings to direct the courtroom clerk to operate the electronic recording equipment for the purposes of creating a verbatim record **only** when that judicial officer finds that: (1) the proceeding concerns matters that implicate fundamental rights or liberty rights; (2) one or more parties wishes to have the possibility of creating a verbatim transcript of the proceedings; (3) no official court-employed court reporter is reasonably available to report the proceeding; (4) the party so requesting has been unable to secure the presence of a private court reporter to report the proceeding because such court reporter was not reasonably available or on account of that party’s reasonable inability to pay; (5) the proceeding involves significant legal and/or factual issues such that a verbatim record is likely necessary to create a record of sufficient completeness; and (6) the proceeding should not, in the interests of justice, be further delayed. Each judicial officer, in their discretion, will evaluate on a case-by-case basis any request to operate the electronic recording equipment.

A complete copy of the General Order, including the findings to support it, [can be found here](#). For more information on the Court’s current programs and services, follow the Court on X ([@LASuperiorCourt](#)), Instagram ([@LASuperiorCourt](#)), Threads ([@LASuperiorCourt](#)), or visit the Court’s website, www.LACourt.org.