

Memorandum 2020-15

**Statutes Made Obsolete by Trial Court Restructuring (Part 7):
Court Reporter Compensation Statutes**

At the direction of the Legislature, the Commission has done extensive work over many years to update the codes to reflect the major trial court restructuring reforms that occurred around the turn of the century.¹ Almost two decades ago, the Commission's former Executive Director (Nathaniel Sterling) warned that updating the court reporter compensation statutes would be particularly challenging:

It has been apparent from the beginning that disposition of the statutes relating to official reporters would be the most complex task involved in this project. That is because there is an extensive body of statutes dealing with the details of official reporter and official reporter pro tempore employment, duties, and compensation in every superior court and municipal court district, and every one of them is different. Moreover, even within a single district the situation is far from straightforward, since some official reporters and official reporters pro tempore may be court employees and others may be independent contractors; in either case their compensation, apart from any salary, benefits, or per diem the law provides, invariably includes a separate element of transcription fee income.²

In addition to being complex, the topic has been, and continues to be, controversial. Relations between court reporter groups, the courts, and the Judicial Council have historically been tense, involving disputes and litigation

1. For a recent summary of the Commission's work in this area, see *Statutes Made Obsolete by Trial Court Restructuring (Part 6): Court Facilities*, 46 Cal. L. Revision Comm'n Reports 25, 34-36 (2019); see also Memorandum 2019-44, pp. 11-12 & Exhibit p. 3.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Memorandum 2001-96, p. 1 (emphasis added).

over use of new technologies, compensation issues (particularly budget cuts, workload reductions, and layoffs), and other matters.³

As Mr. Sterling foresaw, it proved difficult to reach consensus on how to revise the court reporter compensation statutes to reflect trial court restructuring. The Commission has been monitoring the area ever since, waiting for the stakeholders to resolve the underlying policy issues before it reattempts to clean up the statutes to remove obsolete material. A good opportunity has not surfaced and the matter remains one of the most significant unfinished projects on the Commission’s trial court restructuring to-do list.

It might still be premature to make much headway, particularly given the disruption and turmoil of the COVID-19 crisis. Nonetheless, it may be worthwhile to memorialize the state of affairs and have a serious conversation about the matter.

This memorandum introduces the topic, summarizing the pertinent history and presenting the statutes in question. **It is purely informational and no Commission action is required.**

After the Commission considers this memorandum, the staff will prepare a follow-up memorandum that presents some options for the Commission to consider. The staff is reaching out to stakeholders and encouraging them to participate in this study. **Suggestions and other comments are welcome at any time.**⁴

Attached to this memorandum is a 65-page compilation of court reporter compensation statutes that might require revisions to reflect trial court restructuring.⁵ Also attached are the following exhibits:

Exhibit p.

- Proposed Government Code Section 69947 1
- Excerpt from CLRC Staff Memorandum 2001-96 2

3. See, e.g., *Hendrix v. Superior Court*, 191 Cal. App. 4th 889, 119 Cal. Rptr. 3d 813 (2011); *California Court Reporters Ass’n v. Judicial Council of California*, 59 Cal. App. 4th 959, 69 Cal. Rptr. 2d 529 (1997); *California Court Reporters Ass’n v. Judicial Council of California*, 39 Cal. App. 4th 15, 46 Cal. Rptr. 2d 44 (1995); *Los Angeles County Court Reporters Ass’n v. Superior Court*, 31 Cal. App. 4th 403, 37 Cal. Rptr. 2d 341 (1995); see also *Jameson v. Desta*, 5 Cal. 4th 594, 420 P. 3d 746, 155 Cal. Rptr. 3d 755 (2018).

4. Written comments can be in any format. They should be emailed to bgaal@clrc.ca.gov. The Commission also invites interested persons to participate in the discussion of this topic at the upcoming meeting.

5. *Court Reporter Compensation Statutes That Might Require Revisions to Reflect Trial Court Restructuring* (May 2020) (hereafter, “Attached Statutory Compilation”).

Unless otherwise indicated, all statutory references in this memorandum are to the Government Code.

HISTORICAL BACKGROUND

Effectively assessing the court reporter compensation statutes requires an understanding of the historical background. The discussion that follows is divided into three main parts:

- A brief explanation of the trial court restructuring reforms.
- An account of the Commission’s initial efforts to revise the court reporter compensation statutes to reflect those reforms.
- A summary of some significant subsequent developments.

Trial Court Restructuring

The restructuring of California’s trial court system during the late 1990’s was “monumental.”⁶ It involved several major reforms, as detailed below.

The Lockyer-Isenberg Trial Court Funding Act

In 1997, the Legislature enacted the Lockyer-Isenberg Trial Court Funding Act.⁷ Under this legislation, the state “assumed full responsibility for funding trial court operations.”⁸ Trial court budgets were no longer under county control; such funding was instead itemized in the state budget and administered by the Judicial Council and the courts.⁹

As a result of this reform, many statutes that gave counties (or county officials) control over aspects of trial court operations became obsolete.¹⁰ So did numerous statutes that allocated court-related duties to county personnel,¹¹

6. *Statutes Made Obsolete by Trial Court Restructuring: Part I*, 32 Cal. L. Revision Comm’n Reports 1, 7 (2002) (hereafter, “TCR: Part 1”).

7. 1997 Cal. Stat. ch. 850; see generally Sections 77000-77655. An earlier trial court funding act made the state partially responsible for trial court operations. 1988 Cal. Stat. ch. 945. That act was known as the Brown-Presley Trial Court Funding Act. Its name is still used in Section 77000.

8. *TCR: Part 1*, *supra* note 6, at 7.

9. *Id.*

10. See, e.g., former Fam. Code § 3173 (permitting board of supervisors to adopt resolution authorizing use of mediation procedure in custody and visitation disputes). For an amendment of this provision, see *Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1)*, 39 Cal. L. Revision Comm’n Reports 157, 196 (2009) (hereafter, “TCR: County & Court #1”).

11. See, e.g., former Penal Code § 4010 (requiring county clerk to serve copy of revocation on sheriff). For an amendment of this provision, see *TCR: Part 1*, *supra* note 6, at 510-11.

required counties to spend money on trial court operations,¹² or directed court-related funds to the county treasury.¹³ Those statutes were “inconsistent with the concepts of state control of trial court funding and court control of court operations.”¹⁴

Trial Court Unification

In 1998, California had two types of trial courts:

- (1) Municipal courts, which had limited jurisdiction; and
- (2) Superior courts, which had original jurisdiction of almost all other cases.¹⁵

At the June election, the voters approved a measure authorizing trial court unification on a county-by-county basis.¹⁶ More specifically, the municipal and superior courts in a county could unify their operations in the superior court if a majority of the municipal court judges and a majority of the superior court judges voted to do so.

By early 2001, unification had occurred in every county.¹⁷ As a result, municipal courts no longer existed as separate entities and most statutory references to them became obsolete.

The Trial Court Employment Protection and Governance Act (“TCEPGA”)

The Trial Court Employment Protection and Governance Act (“TCEPGA”) was enacted in 2000.¹⁸ At the time, the Government Code contained many lengthy, detailed statutes specifying employment terms for court employees.¹⁹

The TCEPGA established “the basis for a new personnel system for employees of California’s trial courts.”²⁰ Under it, trial court employees became “employees of the court, instead of the state or county.”²¹ As a result of the TCEPGA, most of the statutes governing court employees became obsolete.

12. See, e.g., former Fam. Code § 7556 (requiring county to compensate expert appointed to determine paternity in criminal case). For discussion of this provision, see *TCR: County & Court #1*, *supra* note 10, at 164-65, 200-01.

13. See, e.g., former Code Civ. Proc. § 631.2 (requiring party to reimburse county for fees & mileage of jurors). For an amendment of this provision, see *TCR: County & Court #1*, *supra* note 10, at 183.

14. *TCR: Part 1*, *supra* note 6, at 8.

15. See former Cal. Const. art. VI, §§ 4, 5, 10.

16. Prop. 220, approved June 2, 1998.

17. See <https://www.courts.ca.gov/documents/unidate/pdf>.

18. 2000 Cal. Stat. ch. 1010; see generally Sections 71600-71675.

19. *TCR: Part 1*, *supra* note 6, at 10.

20. *Id.*

21. *Id.*

Trial Court Restructuring Clean-Up: Initial Phase

Recognizing that trial court restructuring had rendered hundreds of code provisions obsolete in one way or another, the Legislature directed the Commission to recommend reforms to remove the obsolete material:

The California Law Revision Commission shall determine whether any provisions of law are obsolete as a result of the enactment of [TCEPGA], the enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Chapter 850 of the Statutes of 1997), or the implementation of trial court unification, and shall recommend to the Legislature any amendments to remove those obsolete provisions. The commission shall report its recommendations to the Legislature, including any proposed statutory changes, on or before January 1, 2002.²²

In response to this directive, the Commission prepared an extensive report proposing numerous statutory revisions, on many different aspects of trial court restructuring.²³ The proposed legislation was incorporated into a bill and enacted in 2002.²⁴

Some obsolete provisions were not included in the Commission's report "because (1) stakeholders ha[d] not yet reached agreement on key issues, (2) further research [was] required due to the complexity of the law, or (3) additional time [was] required to prepare appropriate revisions due to the volume of statutory material involved."²⁵ The Legislature thus revised its directive to "allow the Commission to continue its work in this area and recommend further cleanup of the statutes from time to time."²⁶

One set of statutes the Commission did not propose to revise were the ones governing court reporter compensation. As explained below, the Commission had done considerable work in that area, but had not been able to forge a consensus on how to proceed.

Discussion Draft on Court Reporter Statutes

The statutes governing official reporters were "the most complex and most voluminous to contend with in the project to eliminate statutes made obsolete by trial court restructuring."²⁷ The Commission preliminarily decided to "attempt to

22. Former Gov't Code § 71674 (2000 Cal. Stat. ch. 1010, § 14).

23. See *TCR: Part 1*, *supra* note 6.

24. SB 1316 (Committee on Judiciary), 2002 Cal. Stat. ch. 784.

25. *TCR: Part 1*, *supra* note 6, at 6.

26. *Id.*

27. CLRC Staff Memorandum 2001-77, p. 1.

cut through the morass by providing that official reporter compensation would be determined by agreement between the superior court and the reporters in each county, subject to the base of existing compensation, which would stand as a minimum.”²⁸ That approach would apply “both to reporters who are court employees and to reporters who are independent contractors.”²⁹

The staff prepared a discussion draft to implement the Commission’s approach and circulated it to court reporter groups and other stakeholders for comment.³⁰ Among other things, the discussion draft proposed to repeal Section 69947 and replace it with a new Section 69947 that would “provide for compensation agreed to by negotiation, subject to a minimum or base of existing compensation, whether prescribed by statute, ordinance, or memorandum of understanding.”³¹

This new provision was the “key to the whole scheme of eliminating the detailed statutes on compensation of official reporters in every county.”³² “The concept was that, as a practical matter, compensation will continue to rise anyway, so the base is a theoretical safety net.”³³ If there were a recession in which compensation fell, “the Legislature [could] revisit the matter and determine whether a continued compensation guarantee is appropriate.”³⁴

In September 2001, the Commission considered a staff memorandum analyzing some comments on the discussion draft.³⁵ Several questions arose and the Commission directed the staff to gather more information on the employment status of official reporters and official reporters pro tempore in the various counties.³⁶

A month later, the Commission met again and considered another staff memorandum on official reporters.³⁷ Among other things, the staff reported that “[p]redictably, the professional associations and labor unions had few problems”

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.* at 6. Section 69947 was enacted in 1953 and has never been amended. See Attached Statutory Compilation, *supra* note 5, pp. 7-8.

For the text of proposed new Section 69947 and the accompanying Comment, see Exhibit p. 1.

32. CLRC Staff Memorandum 2001-77, p.6.

33. CLRC Staff Memorandum 2001-96, p.1.

34. *Id.*

35. See CLRC Staff Memorandum 2001-77.

36. Minutes (Sept. 2001), pp. 16-17.

37. See CLRC Staff Memorandum 2001-96.

with the base compensation concept in the discussion draft.³⁸ Similarly, the courts “generally did not object to the approach.”³⁹

The memorandum further explained, however, the Administrative Office of the Courts (“AOC,” now known as the Judicial Council staff) “was concerned.”⁴⁰ The AOC questioned why official reporters should be guaranteed a base level compensation and thus be privileged above all other court employees.⁴¹

The AOC also maintained that the TCEPGA was “the result of an extensive task force process involving all interested parties, and at the conclusion of the process it was clearly understood by all parties that the new law would supersede existing employee compensation statutes.”⁴² Court reporter groups and labor unions saw the situation differently: They said that there was no such agreement and objected to the possibility of removing the existing statutes.

The staff memorandum for the Commission’s October 2001 meeting thus included an analysis of the impact of the TCEPGA on the court reporter compensation statutes.

Staff Analysis of the Impact of the TCEPGA

The staff’s analysis of the impact of the TCEPGA is reproduced at Exhibit pages 2-7. We encourage Commissioners and other interested persons to read it in full.

The analysis begins by pointing out that it is not clear-cut whether the TCEPGA supersedes the existing court reporter compensation statutes. The staff said “there is evidence of legislative intent supporting both sides” and a “good lawyer could argue each piece of evidence either way.”⁴³

The staff then presented the opposing arguments and other relevant evidence.⁴⁴ The analysis concludes:

While an argument can be made that TCEPGA does not override existing statutes on trial court employee compensation, the staff believes the stronger argument is that TCEPGA was intended to supersede these statutes.

That does not end the discussion, however, since TCEPGA only governs compensation of those official reporters who are trial court

38. *Id.* at 1.

39. *Id.*

40. *Id.*

41. *Id.*; see also *id.* at 8-9.

42. *Id.* at 3.

43. *Id.*

44. See *id.* at 4-7.

employees. And although most official reporters and official reporters pro tempore are trial court employees, some are not.

This would argue for preservation of existing statutes, at least to the extent they may be applicable to existing non-employee official reporters and official reporters pro tempore. For non-employees, any preservation of existing rights ought not to be indefinite, but only until termination of existing contracts. This could easily be done with a saving clause, without the need to maintain large bodies of generally obsolete statutory material.⁴⁵

In addition to the approach described in the above quote, the staff discussed various other possibilities⁴⁶ and specifically examined the pros and cons of providing a base compensation guarantee, which it viewed as “only a theoretical minimum, since as a practical matter compensation continually increases.”⁴⁷ Among other things, the staff noted:

One possible approach is to *conclude that we cannot ascertain with certainty whether existing official reporter statutes are in fact obsolete as applied to court employees. We would then leave the existing statutes in place until the matter is resolved by a court. (That assumes the matter would come before the courts in due course — an unlikely scenario if the staff’s analysis is correct that this is largely a theoretical issue.)*⁴⁸

The staff also expressed reluctance to have the Commission make significant policy decisions on employment policy “in the context of a project to clean deadwood out of the statutes.”⁴⁹ It cautioned that “our effort here should be to clean out the obsolete statutes in a way that will minimally change the basic employment status of official reporters and official reporters pro tempore, leaving to others the design and management of the trial court personnel structure.”⁵⁰

2001 Tentative Recommendation and Working Group on Official Reporter Compensation

Upon consideration of the staff’s TCEPGA analysis and the other advice and information in the same memorandum, the Commission decided it “would be helpful to have representatives of interested and affected groups and entities meet to determine whether a generally acceptable approach to resolution of the

45. *Id.* at 7-8.

46. *Id.* at 9-12.

47. *Id.* at 8.

48. *Id.* at 9-10 (emphasis added).

49. *Id.* at 3.

50. *Id.*

issues can be developed.”⁵¹ The Commission hoped that such a working group would be able to reach consensus and report back by early 2002.⁵²

The Commission further decided not to include a new version of Section 69947 in the massive tentative recommendation it was preparing on trial court restructuring. Instead, it decided to “note that disposition of official reporter compensation statutes has not yet been resolved, and ... solicit comment on the matter.”⁵³

The staff implemented that approach in the tentative recommendation, which was released in late 2001 and widely circulated for comment for several months.⁵⁴

Working Group on Official Reporter Compensation

While the tentative recommendation was circulating for comment, the staff convened a working group on compensation of official reporters, as the Commission requested. The group included representatives of the AOC/Judicial Council, the California Court Reporters Association (“CCRA”), the California Official Court Reporters Association (“COCRA”), the Service Employees International Union (“SEIU”), the American Federation of State, County, and Municipal Employees (“AFSCME”), several court administrators, a representative of the Senate Rules Committee (Anthony Williams), the Reporter for the Task Force on Trial Court Employment (Prof. J. Clark Kelso), and the Executive Director of the Commission (Nathaniel Sterling).

Before the group met, the staff explained that the “key issue” for the Commission was “the proper content of a statute to replace the various detailed official reporter compensation statutes as a consequence of unification of the courts and enactment of the Trial Court Employment Protection and Governance Act.”⁵⁵ Thus, the working group’s goal was “to see if we can reach an agreement as to how to deal with official reporter compensation in the restructured trial court environment, not to debate the legal details about what statutes may or may not be technically superseded.”⁵⁶

51. Minutes (Nov. 15-16, 2001), pp. 11-12.

52. *Id.* at 12.

53. *Id.*

54. Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring: Part 1* (Nov. 2001) (hereafter, the “2001 tentative recommendation”).

55. Email from Nathaniel Sterling to CLRC Working Group on Official Reporter Compensation (12/12/01) (on file with Commission).

56. Email from Nathaniel Sterling to CLRC Working Group on Official Reporter Compensation (12/19/01) (on file with Commission).

The working group met on December 20, 2001. It was unable to reach agreement on a new statutory framework for court reporter compensation.

Final Recommendation and Implementing Legislation

In March 2002, the Commission considered the comments on the tentative recommendation and approved a final recommendation for submission to the Legislature.⁵⁷ The statutes relating to court reporter compensation were not included in the proposed legislation. The narrative part of the recommendation explained:

The Legislature has enacted an extensive body of law governing official reporters and official reporters pro tempore in each county. Issues covered include appointment, tenure, compensation, benefits, and the like. The statutes are remarkably detailed and diverse.

To a large extent these provisions are superseded by the Trial Court Employment Protection and Governance Act. For example, statutes providing that superior court or municipal court official reporters hold office “during the pleasure” of the appointing court, as well as municipal court statutes providing civil service protections to official reporters, are generally superseded by the employment protection provisions of the new law.

It should be noted, however, that not all official reporters are court employees, particularly those appointed as official reporters pro tempore. Official reporters who are not court employees may be subject to different governing principles than those who are employed by the court.

Moreover, some provisions governing official reporters cannot necessarily be considered obsolete. General statutes dealing with fees and allocation of costs, for example, appear to reflect deliberate policy choices regarding not only compensation of court reporters, but also the costs of court reporting to the court and to the parties. These provisions should be preserved.

Several issues relating to official reporters have been the subject of extended debate. In particular, *it is unsettled whether the basic compensation and benefit-setting mechanism of the Trial Court Employment Protection and Governance Act supersedes specific statutes relating to compensation of official reporters in individual counties. The individual county statutes are obsolete and in need of revision, if not outright repeal, since most of them still appear to involve county boards of supervisors in the bargaining process. This scheme is no longer appropriate for court employees now that the county no longer funds the courts or hires the employees. To permit repeal of obsolete statutes concerning official reporter compensation, the Commission plans to*

57. See Minutes (March 2002), pp. 9-15.

recommend appropriate revision of the statutes once the stakeholders have resolved the underlying substantive and fiscal issues.

The issue of electronic reporting is also highly politicized. The proposed legislation seeks to avoid disturbing the status quo on this matter.⁵⁸

Subsequent Developments Relating to Court Reporters

The staff has been monitoring the court reporter situation ever since it issued its 2002 recommendation on trial court restructuring. Some key events are described below.

Reporting of the Record Task Force

In April 2002 (just after the Commission approved its final recommendation), the Judicial Council organized a task force on reporting of the record. A few of the task force members had participated in the Commission's working group, but most of the membership was different and it did not include anyone from the Commission.⁵⁹

In the next couple of years, the task force examined many issues relating to court reporting. It touched on some aspects of compensation, but that does not appear to have been its main focus.

The task force prepared a lengthy report with various recommendations pertaining to court reporters, which it presented to the Judicial Council in early 2005.⁶⁰ The Judicial Council did not adopt any of the task force recommendations at that time. Instead, it referred the proposals to appropriate committees "for review and for subsequent future consideration and discussion by the council."⁶¹

The Commission deferred work on the court reporter compensation statutes while the task force study was in progress. As of early 2006, issues relating to court reporter compensation remained unsettled.

2006 Canvassing of Stakeholders

In 2006, the staff checked with stakeholders to see if it would be a good time for the Commission to resume work on the court reporter compensation statutes. Key contacts included representatives of CCRA, COCRA, SEIU, AFSCME, and the Judicial Council.

58. *TCR: Part 1*, *supra* note 6, at 14-15 (emphasis added; footnotes omitted).

59. For a list of the task force members, see *Final Report: Reporting of the Record Task Force* (Feb. 18, 2005) (hereafter, "Task Force Report"), p. iv.

60. See Task Force Report, *supra* note 59.

61. Judicial Council Meeting Minutes (Feb. 18, 2005), p. 6, available at <https://www.courts.ca.gov/documents/min0205.pdf>.

The Judicial Council would have welcomed such a study. It has consistently maintained that most if not all of the court reporter compensation provisions are obsolete in whole or in part due to the enactment of the TCEPGA.

SEIU informed us, however, that the entirety of the court reporter compensation provisions should still be retained in the codes.⁶² Other court reporter groups took the same position.⁶³

Because the stakeholders still had conflicting views, the Commission turned to other unfinished aspects of its work on trial court restructuring, instead of revisiting the court reporter compensation provisions. The staff has not re-contacted the court reporter representatives since 2006, but sources within the Legislature and the judiciary have occasionally warned us that relations between the court reporter groups and the Judicial Council remain strained. Other circumstances tended to reinforce that perspective.

2008 Recession and Resulting Budget Cuts

The Great Recession hit in 2008, but its impact on California's court system was somewhat delayed. "[I]n the wake of the state's budget crisis of the early 2010's, court budgets were decimated and many courts sought to absorb budget cuts by eliminating services and staff."⁶⁴

Before the "drastic cuts in judicial budgets," the trial courts "generally made official court reporters routinely available for civil trials."⁶⁵ "As a result of budget reductions, however, many, but not all, of the superior courts throughout the state ... adopted new policies limiting the availability of official court reporters to only a narrow category of civil cases, which generally [did] not include ordinary contract, personal injury, or professional negligence cases."⁶⁶

Courts also laid off, fired, or otherwise eliminated many court reporter positions.⁶⁷ Governor Schwarzenegger advocated digital recording and

62. See CLRC Memorandum 2006-9, p. 17.

63. See, e.g., *id.* (reporting CCRA's preliminary reaction); email from Maura Baldocchi (COCRA president) to Barbara Gaal (3/9/05) (on file with Commission).

64. Assembly Committee on Judiciary analysis of AB 253 (Stone) (Sept. 11, 2019), p. 5.

65. *Jameson v. Desta*, 5 Cal. 4th 594, 610, 420 P. 3d 746, 155 Cal. Rptr. 3d 755 (2018).

66. *Id.*

67. See, e.g., W. Kent Hamlin, *We Must Promptly Restore Court Reporters to Trial Courts Throughout California*, 29 Cal. Litigation 45, 45 (2016) ("Among the many casualties of the budgetary devastation were hundreds of court reporters whose positions were eliminated from civil and other courtrooms where their presence was not strictly required by law."); Saul Sugarman, *Plaintiffs' Lawyers Bemoan Fee Hikes, Trial Expenses*, Daily J. (Nov. 27, 2013) ("Placer County Superior Court terminated all 10 court reporters at the beginning of this year."); Saul Sugarman, *Shasta County Forces Court Reporters to Work*, Daily J. (Dec. 9, 2013) ("More than 100 court reporters statewide have lost their jobs in recent years due to ongoing budget cuts.");

expressed a desire “for an across the board elimination of stenographic court reporters from the state’s courts.”⁶⁸ He was not successful in that effort, but one superior court “went so far as to eliminate all court reporters from their payroll and hire an outside court reporting service.”⁶⁹

To better understand the impact of budget reductions, the Assembly Judiciary Committee “independently surveyed the 58 trial courts in 2013 to assess what measures the courts had taken to address the cuts, including any reduction in court reporters.”⁷⁰ It found that of the 55 courts that responded, six had reduced expenditures for court reporters, and fully 30 courts reported that they had ceased providing court reporters for civil, family, and probate proceedings.”⁷¹

Assembly Bill 1630 (Olsen, 2012)

There have been many bills relating to court reporting since the trial court restructuring reforms. Most of them have been unsuccessful;⁷² only a few have been enacted.⁷³

Of those bills, Assembly Bill 1630 (Olsen, 2012) is notable because it would have repealed Section 70047.1, one of the provisions that the Commission proposed to repeal in the 2001 tentative recommendation. Section 70047.1 pertains to official reporters in Stanislaus County. It provides:

Claran McEvoy, *Civil Courts Boast Fewer Reporters*, Daily J. (March 16, 2012) (referring to “last week’s announcement that 60 Los Angeles County Superior Court reporters would be laid off in June and another 60 court reporters would be converted to part-time positions”); Saul Sugarman, *San Diego Civil Court Reporters to be Sacked*, Daily J. (Sept. 26, 2012) (San Diego Superior Court “is eliminating about 30 court reporter positions”); Claran McEvoy, *Court Reporters Start to Vanish As Budget Shrinks*, Daily J. (Dec. 5, 2011) (“In Los Angeles County Superior Court, 22 court reporters have so far indicated they will take buyouts at the end of the year. In October, San Francisco County Superior Court laid off 29 court reporters and one assistant court reporter coordinator, leaving a staff of 31 court reporters.”).

68. Emily Green, *Court Reporters Fight Against Threat of Digital Replacement*, Daily J. (Sept. 8, 2010).

69. Assembly Committee on Judiciary analysis of AB 253 (Stone) (Sept. 11, 2019), p. 5.

70. *Id.* at 4.

71. *Id.*

72. See, e.g., AB 2757 (Reyes, 2018); AB 2531 (Gallagher, 2018); AB 2354 (Rubio, 2018); AB 1660 (Kalra, 2017); AB 1776 (Oberholte, 2016); AB 1834 (Wagner, 2016); AB 2629 (Hernandez, 2016); AB 749 (Bloom, 2015); SB 1313 (Nielsen, 2014); AB 251 (Wagner, 2013); AB 365 (Mullin, 2013); AB 655 (Quirk-Silva, 2013); AB 679 (Fox, 2013); AB 788 (Wagner, 2013); SB 705 (Block, 2013); AB 1630 (Olsen, 2012); AB 2076 (Ma, 2012); AB 803 (Wagner, 2011); AB 990 (Allen, 2011); AB 1096 (Harkey, 2011); AB 582 (Evans, 2007); AB 2305 (Klehs, 2006).

73. See, e.g., AB 253 (Mark Stone), 2019 Cal. Stat. ch. 419; AB 1520 (Low), 2019 Cal. Stat. ch. 463; AB 2664 (Holden), 2018 Cal. Stat. ch. 497; AB 1450 (Oberholte), 2017 Cal. Stat. ch. 532; AB 2881 (Committee on Judiciary), 2016 Cal. Stat. ch. 703; AB 2192 (Salas), 2016 Cal. Stat. ch. 567; AB 648 (Jones-Sawyer), 2013 Cal. Stat. ch. 454; AB 2657 (Calderon), 2012 Cal. Stat. ch. 170.

70047.1. Notwithstanding any other provision of law, the following provisions shall be applicable to the Stanislaus County Superior Court:

(a) In Stanislaus County, to assist the superior court in the transaction of its judicial business, a majority of the judges of the superior court, *with the approval of the board of supervisors*, may appoint as many regular official reporters as necessary to report the proceedings in the court.

(b) The regular official superior court reporters, unless the right to their services are waived, shall report all of the proceedings as otherwise provided by law or ordered by a superior court judge.

(c) The regular official court reporters shall be compensated at a range approved by the board of supervisors by ordinance or resolution.

In order that the salaries provided for in this section remain equitable and competitive, in the event an ordinance or resolution is adopted which provides a cost-of-living increase for employees of Stanislaus County, this salary range shall be deemed adjusted, increased, and amended by that ordinance or resolution.

(d) A regular official court reporter shall receive the same vacation, sick leave, retirement, and other benefits as are provided for county employees.

(e) For the purposes of retirement, the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by the county to all of the regular reporters of the superior court for all reporting services, divided by the number of superior court official reporters, plus his or her salary.

(f) The superior court executive officer shall appoint a supervising reporter to be compensated at an hourly rate that is 10 percent higher than Step 5 of the hourly rate specified in subdivision (c).

(g) For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter. A court reporter shall also be allowed his or her traveling expenses as determined by the travel policy of Stanislaus County when reporting outside of the county seat.

(h) The judges of the superior court may appoint as many official superior court reporters pro tempore as the business of the court requires. They shall be unsalaried, but shall receive a per diem of 1/260 of Step 4 of the hourly rate set pursuant to subdivision (c).

(i) *The county* shall provide the official reporters with supplies for the performance of their courtroom duties, excluding hardware.

(j) The presiding judge of the superior court may, upon request of the presiding judge of the municipal court, assign an official superior court reporter to the municipal court during such times as the business of the municipal court requires. Official superior court

reporters who are so assigned shall receive no additional compensation for that service.⁷⁴

Subdivision (j), relating to official reporters for the municipal court, is clearly obsolete because Stanislaus County no longer has a municipal court. Similarly, the italicized reference to the board of supervisors in subdivision (a) and the italicized reference to the county in subdivision (i) are clearly obsolete, because they do not reflect the state's assumption of responsibility for trial court funding and operations. The critical question, however, is whether the entire section is obsolete due to the enactment of the TCEPGA.

As introduced, AB 1630 proposed to repeal Section 70047.1 outright. The bill was later amended to repeal the section and add a new Section 70047.1, which would have provided:

70047.1. The judges of the Stanislaus County Superior Court may appoint as many official superior court reporters pro tempore as the business of the court requires. They shall be unsalaried, but shall receive a per diem of 1/260 of Step 4 of the hourly rate specified in the most current salary table for superior court reporters established by the Stanislaus County Superior Court.

The bill was heard in the Assembly Judiciary Committee and defeated by a 3 to 6 vote along party lines (Republicans voting for the bill and Democrats voting against it), with one abstention. The bill was supported by Stanislaus County Superior Court and strongly opposed by AFSCME.

The bill analysis explained that the bill would "eliminate a statutorily mandated retirement benefit" for certain Stanislaus County court reporters.⁷⁵ According to the court, this benefit was originally provided to attract court reporters in highly competitive market conditions, but it had become unnecessary and should be eliminated to save costs.⁷⁶

AFSCME countered that during recent collective bargaining negotiations, court management relied on the statutory retirement benefit "to induce other concessions from court reporters."⁷⁷ AFSCME thus viewed the bill as "an attempt by management to circumvent the collective bargaining process in a manner that is inconsistent with California law."⁷⁸ In particular, AFSCME said the bill "contravene[d] 'a major tenet governing the process for establishing the

74. Emphasis added.

75. Assembly Committee on Judiciary analysis of AB 1630 (Olsen) (March 20, 2012), p. 1.

76. *Id.* at 1, 2.

77. *Id.* at 1.

78. *Id.*

[TCEPGA], which was to preserve employee protections established prior to 2002.”⁷⁹

As best we can tell, the court did not contend that TCEPGA entirely superseded Section 70047.1, and the bill analysis does not squarely address that point. In several places, however, the analysis does acknowledge that the bill would delete some material made obsolete by the switch from county to state funding of trial court operations.⁸⁰

Senate Bill 1313 (Nielsen, 2014)

Two years later, Senator Nielsen introduced a bill (SB 1313) that would have repealed twelve of the court reporter statutes that the Commission proposed to repeal in its 2001 tentative recommendation on trial court restructuring.⁸¹ Among other things, those statutes require certain counties to provide court reporters in some types of cases for which other counties do not have to provide court reporters.

The bill was sponsored by the Judicial Council, which said that the statutes are outdated because they predate both the Lockyer-Isenberg Trial Court Funding Act and the TCEPGA. The Judicial Council also explained:

SB 1313 eliminates the requirements that the enumerated courts (Trinity, Modoc, Merced, Nevada, El Dorado, Butte, Shasta, Tehama, Lake, Tuolumne, Monterey, Mono, Solano, San Luis Obispo, and Mendocino) use court reporters in certain case types that are not considered mandated, and to eliminate out-of-date references to the role of boards of supervisors in voting on and setting pay rates for court employees. ... Eliminating these requirements will allow the superior courts the same flexibility that the other 43 superior courts in California have to determine if their budget circumstances can accommodate court reporting in non-mandated case types.⁸²

79. *Id.* at 3.

80. *Id.* at 1 (bill would “delet[e] obsolete language regarding county compensation of court employees”); *id.* (bill would delete “obsolete provisions authorizing the Stanislaus County Board of Supervisors to take various actions related to the hiring and compensation of Stanislaus County Superior Court reporters in order to reflect the state’s responsibility for funding court operations and managing court personnel”); *id.* at 2 (bill “deletes provisions rendered obsolete by the state’s assumption of responsibility for court employee management and compensation”). See also *id.* at 3 (discussing “Repeal of Provisions Rendered Obsolete by State Trial Court Funding and Personnel Management”).

81. The twelve provisions were: Sections 70045.1, 70045.2, 70045.4, 70045.75, 70045.77, 70045.8, 70045.10, 70046.4, 70050.6, 70056.7, 70059.9, and 70064. All of these provisions are reproduced in the attached statutory compilation.

82. Senate Committee on Judiciary analysis of SB 1313 (April 29, 2014), p. 3.

CCRA, the Los Angeles Court Reporters Association, and SEIU opposed the bill, emphasizing the importance of court reporters in achieving justice in the types of cases in question.⁸³ SEIU also referred to the Commission's previous work in the area:

Subsequent to the enactment of [the TCEPGA], the California Law Revision Commission began a comprehensive review of the statutes to determine which ones were obsolete or unnecessary given the magnitude of the reforms which affected almost every aspect of the trial court system. All parties were afforded the opportunity to comment on statutes proposed to be repealed.

There were several statutes in particular that affected court reporters that SEIU, AFSCME and other organizations representing court reporters objected to since they provided critical protections to the reporters and mandates regarding the use of official court reporter services. With regard to these county statutes, there was particular concern that they should not be eliminated because there did not exist the same protections for court reporters via local employment (merit or civil service) systems or collective bargaining agreements that would prevent a court from wholesale eliminating court reporters in non-criminal proceedings. The concern was that if the statutes were eliminated and the reporters did not have the same protections as others in other counties that in some future date a court could decide to just stop providing certain reporting services to the public and eliminate reporter jobs.

Unfortunately, this concern has come to fruition with some of the courts enumerated in the bill, despite the existence of statutes stating otherwise.⁸⁴

Similarly, the bill analysis states:

"[E]ven if these provisions were enacted prior to the trial court unification of the 1990s, the California Law Revision Commission (CLRC) has on numerous occasions identified legislation that would delete obsolete statutes and make other necessary changes due to that unification, including changes to court reporter statutes. Nonetheless, while the CLRC recognized the need to further review "[w]hether the statutes governing reporters and their fees in various counties require revision," to staff's knowledge, it has not made recommendations to repeal the statutes as proposed by this bill. Additionally, if fairness is the issue and this Legislature is compelled to remove disparity among the counties, it could be argued that public policy would favor the provision of court reporting services across all courtrooms, across all counties. In

83. See *id.* at 5-7.

84. See *id.* at 6-7, quoting SEIU opposition.

other words, this legislation appears to be headed in the opposite direction.⁸⁵

The bill analysis also pointed out that as a matter of public policy, “having accurate transcripts of proceedings is vital to the administration of justice for multitudes of reasons.”⁸⁶ For example, a transcript is necessary “to provide a record for appeal; to enable opposing counsel to impeach a witness (prior inconsistent statements under oath); to prosecute a person for perjury; and to ensure that court orders accurately reflect what the judge actually ruled in court with respect to any range of important issues such as visitation rights, or division of property.”⁸⁷

The bill was defeated in the Senate Judiciary Committee by a 2 to 5 vote along party lines. As with AB 1630, the Republican members voted for the bill and the Democrats voted against it.

Recent Legislation

A few more recent bills are also worth mentioning here. In particular, Assembly Bill 253 (Mark Stone) was enacted last year. It generally prohibits courts from using remote court reporting, but permits Santa Clara County Superior Court to establish a pilot project on remote court reporting in child support and misdemeanor cases.⁸⁸

The bill analyses stress that accurate court reporting is essential to the administration of justice and the “strongest court records” are produced by certified court reporters creating a real-time record of proceedings in the courtroom.⁸⁹ The analyses further explain that despite budget increases in the past few years, court reporter staffing levels are still lower than in the past,⁹⁰ and court reporter salaries are insufficient to attract qualified applicants in some

85. *Id.* at 5 (citations omitted).

86. *Id.* at 4.

87. *Id.*

88. 2019 Cal. Stat. ch. 419.

89. Assembly Committee on Judiciary analysis of AB 253 (Mark Stone) (Sept. 11, 2019), p. 1; see also *id.* at 4-5; Senate Committee on Judiciary analysis of AB 253 (Mark Stone) (July 2, 2019), p. 4.

90. Assembly Committee on Judiciary analysis of AB 253 (Mark Stone) (Sept. 11, 2019), p. 4 (“Despite significant increases in court funding, court reporter services have not been fully restored and are not guaranteed by any means”); Senate Committee on Judiciary analysis of AB 253 (Mark Stone) (July 2, 2019), p. 4 (“California does not mandate the use of court reporters in certain civil actions, and budget cuts have resulted in increasingly shallow pools of official court reporters.”).

locations (e.g., Santa Clara County, “where the median price of housing makes a middle class lifestyle virtually unobtainable on a court reporter’s salary”).⁹¹

Thus, AB 253 created a pilot program to “test remote court reporting in Santa Clara,” to assess whether it is a means “of making the profession of court reporting more alluring by enabling it to be done remotely, thereby making it accessible to people who live in areas with lower costs of living.”⁹² At the same time, the pilot project should help “determine if a court reporter located outside of the courtroom is able to properly interject and stop the proceeding in order to clarify points” (such as mumbling) and “if the remote reporting technology and associated data connections are sufficiently reliable to permit the reporter to take down a transcript without undue delays caused by faulty live-feed connections.”⁹³

For present purposes, what is perhaps most noteworthy about AB 253 is that it was “sponsored by SEIU California on behalf of their court reporter members in Santa Clara County” and was “the first bill related to remote court reporting technology to win the support of the court reporters themselves.”⁹⁴ That perhaps reflects a degree of improvement in relations between court reporters and court administrators, and an increased likelihood of reaching consensus on at least some court reporting issues than in the past.

It is important to note, however, that another bill on court reporting did not fare as well last year. Assembly Bill 1385 (Santiago) sought to increase one component of court reporter compensation. As the author’s office explained, court reporters work in two different roles:

Official court reporters work in a dual capacity. The primary part of their work day is spent as a court employee in a court room taking down the record of a proceeding. For this time, the reporter is compensated through a salary provided by the court. The other portion of the reporter’s time is spent as an independent contractor preparing the official certified record, known as a transcript. For this work the official reporter is compensated at a statutorily set rate.⁹⁵

91. Assembly Committee on Judiciary analysis of AB 253 (Mark Stone) (Sept. 11, 2019), pp. 5-6; Senate Committee on Judiciary analysis of AB 253 (Mark Stone) (July 2, 2019), pp. 5-7.

92. Senate Committee on Judiciary analysis of AB 253 (Mark Stone) (July 2, 2019), pp. 5-6.

93. Assembly Committee on Judiciary analysis of AB 253 (Mark Stone) (Sept. 11, 2019), p. 7.

94. *Id.* at 1.

95. Assembly Committee on Judiciary analysis of AB 1385 (Santiago) (April 9, 2019), pp. 5-6, *quoting* author’s statement.

AB 1385 would have increased transcript fees by approximately 33 percent, commencing in 2020.

Despite several prior attempts,⁹⁶ the statutorily-prescribed transcript fee has not been increased since 1990 and has thus fallen “far behind the rate of inflation.”⁹⁷ AB 1385 was co-sponsored by CCRA and SEIU, which contended that the bill was “necessary to ensure that the profession of court reporting remains viable in California,” because “utilizing a 30-year-old fee structure is not [commensurate] with the current cost of living and working in this state.”⁹⁸ Other supporters included the Alameda County Official Court Reporters Association, Court Reporters of Stanislaus County Courts, Los Angeles County Court Reporters Association, Official Court Reporters of the Superior Court of Kern County, Orange County Superior Court Reporters Association, Stanislaus County Court Reporters, Trinity County California Court Reporters Association, Yuba County Court Reporters, and several individual court reporters.⁹⁹

The bill was opposed by the California Academy of Appellate Lawyers (CAAL), which asserted, among other things, that an increase in transcription fees would “deplete the Transcript Reimbursement Fund (TRF), thereby harming indigent appellate litigants and limiting their access to justice.”¹⁰⁰ The Judicial Council also submitted a letter regarding the fiscal impact of the bill, which estimated that annual court expenditures for transcripts would immediately rise to more than \$26.0 million, “an increase of approximately \$7.1 million.”¹⁰¹ The Judicial Council’s letter also contained other information, including the following description of the status of court reporters statewide:

In California, 50 out of the 58 courts (86%) have at least one court reporter on staff.... As of the beginning of FY 2018-19, the courts employed 1,377 FTE court reporters statewide. The ten largest courts employed approximately 75 percent (1,027 FTE’s) of the state’s court reporters at an average base salary of \$103,734 (\$157,895 including benefits).¹⁰²

96. See AB 2757 (Reyes, 2018); AB 2629 (Hernandez, 2016); AB 582 (Evans, 2007); AB 2305 (Klehs, 2006); SB 499 (Burton, 1999).

97. Assembly Committee on Judiciary analysis of AB 1385 (Santiago) (April 9, 2019), p. 1.

98. *Id.* at 7.

99. *Id.* at 7-8.

100. Senate Committee on Judiciary analysis of AB 1385 (Santiago) (July 2, 2019), p. 6.

101. Letter from Cory Jasperson to Senator Anthony Portantino (June 28, 2019), p. 2, *available at* <https://www.courts.ca.gov/documents/ga-fiscal-letter-19-20-assembly-ab1385-santiago.pdf>.

102. *Id.* at 2-3.

AB 1385 was passed by the Assembly Judiciary Committee, the Assembly Appropriations Committee, the Assembly floor, and the Senate Judiciary Committee. It stalled on the suspense file in the Senate Appropriations Committee.

This year, Senator Gonzalez introduced a similar bill (Senate Bill 991), which is pending in the Senate Judiciary Committee. It has not yet been heard and no hearing date is currently scheduled, which suggests that the bill might be one of the many being set aside due to the current health crisis.¹⁰³

AB 1385 and SB 991 illustrate the ongoing tension between court budget considerations (including funding to assist indigent litigants) and concerns over court reporter compensation. The Commission should keep this in mind as it determines how to proceed in this study. The list of stakeholders involved in AB 1385 will also be useful in developing the mailing list for this study.

CURRENT STATUS OF THE COURT REPORTER COMPENSATION STATUTES

Of the court reporter compensation statutes that the Commission proposed to revise in the 2001 tentative recommendation, some have since been repealed or amended in a way that eliminated the material that appeared to be obsolete due to trial court restructuring.¹⁰⁴ This memorandum does not discuss those statutes further.

The great majority of the court reporter compensation statutes from the 2001 tentative recommendation are still exactly as they were before. To give the Commission a feel for the content of those statutes, they are reproduced in the 65-page attachment to this memorandum. There is an accompanying Staff Note for each provision, which explains how the Commission proposed to revise that provision in 2001 and provides other background information.

As Commissioners can see, the statutes contain detailed, often county-specific rules governing court reporter employment arrangements and related matters. Some of them still refer to municipal courts.¹⁰⁵ Others still give counties (or

103. Another pending bill relating to court reporting is Assembly Bill 1469 (Low), which relates to nonshorthand reporting corporation entities.

104. These include the 2001 versions of the following provisions: Sections 68073, 68086, 69941, 69942, 69944, 69945, 69950, 69955, 69957, 69958, 69959, 72194, 72194.5, 72195, 72196, 72197, 72198, 72199; Code Civ. Pro. §§ 269, 270, 271, 273, 274a, 274c; Penal Code §§ 190.9, 869, 870, 938.1.

105. See Sections 69893.7, 69994, 6994.2, 69995, 70044.5, 70045.5, 70045.8, 70045.9, 70045.10, 70045.12, 70047.1, 70047.5, 70050.5, 70059.7, 70138.

county officials) rights or responsibilities relating to trial court operations.¹⁰⁶ As previously discussed, it is debatable to what extent these statutes are still viable after the enactment of the TCEPGA.¹⁰⁷

NEXT STEP

In late 2014, the staff prepared a memorandum summarizing the remaining projects on its trial court restructuring “to do” list. With regard to the court reporter compensation statutes, we wrote:

Realistically, the stakeholders seem unlikely to resolve their differences in the near future. Despite the passage of time, they probably will not agree on which court reporter compensation provisions are obsolete and how those provisions should be revised.

To the best of the staff’s knowledge, there has been no judicial guidance on the continued viability of those provisions. There does not appear to be any likelihood of receiving such guidance any time soon.

The Commission’s role with regard to trial court restructuring is to clean out obsolete statutory material, not to broker a labor dispute involving significant policy differences between trial court personnel and the Judicial Council. Nonetheless, perhaps the Commission could bring some closure to this matter.

For example, the Commission could investigate whether conditions have changed such that it is now possible to achieve some degree of consensus on how to handle some or all of the court reporter compensation provisions. Assuming that effort proves unsuccessful, the Commission could prepare an informational report for the Legislature, which describes the controversy in detail and perhaps offers some suggestions without seeking to resolve policy disputes that appear to be beyond the Commission’s purview.¹⁰⁸

Much of what we wrote then still seems true. Last year’s AB 253 might signal some degree of improvement in relations between the stakeholders, but the current budget stresses due to COVID-19 might unravel such progress if indeed

106. See, e.g., Sections 68114.8 (“Official court reporters who terminate after the beginning of pay period one shall reimburse the county for vacation time used in excess of the pro rata amount earned while employed during the year.”), 69893.7 (“The compensation, including salary, retirement, vacations, and other benefits, of all Yolo County superior and municipal court officers and employees may be adjusted by the board of supervisors.”), 70128 (“The fees for reporting testimony and proceedings in contested cases and for reporting default or uncontested actions or proceedings shall be paid to the county clerk and deposited in the county treasury.”).

107. See discussion of “Staff Analysis of the Impact of the TCEPGA” *supra* and Exhibit pp. 2-7.

108. First Supplement to Memorandum 2014-53, pp. 15-16 (footnotes omitted).

there was any. As the staff predicted in 2001, there does not appear to be a court decision definitively resolving the impact of TCEPGA, nor much chance of one in the foreseeable future.

Although the situation remains challenging at best, many years have passed since the trial court restructuring reforms and there has not yet been an opportune time to revise the court reporter compensation statutes to reflect those reforms. As currently drafted, they are misleading because they do not comport with existing conditions. It seems advisable for the Commission to at least have another look at how to handle them.

Unless the Commission otherwise directs, the staff's next step will be to prepare a memorandum that presents some general options for the Commission to consider at a future meeting. In the meantime, we will contact stakeholders and alert them to this study. The staff will update the Commission on its stakeholder outreach in the next memorandum.

Comments from stakeholders and other interested persons on any of the matters discussed in this memorandum would be helpful. They can be in any format and should be emailed to bgaal@clrc.ca.gov.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

Court Reporter Compensation Statutes That Might Require
Revisions to Reflect Trial Court Restructuring
(May 2020)

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Court Reporter Compensation Statutes That Might Require Revisions To Reflect Trial Court Restructuring

Staff Note. In 2001, the Law Revision Commission solicited comment on its Tentative Recommendation on *Statutes Made Obsolete by Trial Court Restructuring* (Nov. 2001) (hereafter, “2001 tentative recommendation” or “2001 TR”). Among other things, the tentative recommendation included proposed revisions of many statutes relating to court reporter compensation.

The Commission did not include any of those proposed revisions in its final recommendation on *Statutes Made Obsolete by Trial Court Restructuring: Part 1*, 32 Cal. L. Revision Comm’n Reports 1 (2002) (hereafter, “TCR: Part I”). Stakeholders were still resolving issues relating to court reporter compensation, so it was not yet possible to reach consensus on how to revise the statutes to remove material made obsolete by trial court restructuring.

Some of those statutes have since been repealed or amended to remove the apparently obsolete material. These include the 2001 versions of the following provisions: Code Civ. Proc. §§ 269, 270, 271, 273, 274a, 274c; Gov’t Code §§ 68073, 68086, 69941, 69942, 69944, 69945, 69950, 69955, 69957, 69958, 69959, 72194, 72194.5, 72195, 72196, 72197, 72198, 72199; Penal Code §§ 190.9, 869, 870, 938.1.

Shown below are the remaining court reporter compensation statutes that were included in the 2001 tentative recommendation. Each provision is accompanied by a Staff Note, which provides relevant background information. Some or all of these provisions might still require revisions to reflect trial court restructuring.

GOVERNMENT CODE

1 § 68114.8. Official reporters in San Bernardino County

2 68114.8. Notwithstanding Section 69906, in the Superior Court of San
3 Bernardino County, the official court reporters shall be compensated at Step E of
4 the range set forth in the San Bernardino County code for court reporters, unless
5 determined otherwise by a majority of the judges of the superior court. Effective
6 pay period one of each year, official court reporters will be credited with 160
7 hours of vacation leave time for the reporters’ immediate use. Official court
8 reporters who are hired after the beginning of pay period one shall be credited
9 with vacation leave hours on a pro rata basis. Official court reporters who
10 terminate after the beginning of pay period one shall reimburse the county for
11 vacation time used in excess of the pro rata amount earned while employed during
12 the year. Amounts reimbursable may be deducted from court reporter
13 compensation which is payable after notice is given by the court reporter of
14 termination. Official court reporters in regular positions budgeted less than 80
15 hours per pay period or in job-share positions shall receive vacation accumulation
16 on a pro rata basis.

1 **Staff Note.** The Commission proposed to repeal Section 68114.8 in the 2001 tentative
2 recommendation. The accompanying Comment said:

3 **Comment.** Section 68114.8 is repealed to reflect enactment of the Trial Court
4 Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation
5 of employees' job classifications), 71620 (trial court personnel), 71623 (salaries),
6 71625 (accrued leave benefits). See also Section 69947 (compensation of
7 official reporter).

8 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
9 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
10 Comment. However, the tentative recommendation did not specify the content of the proposed
11 new Section 69947.

12 The Commission did not include any reform of Section 68114.8 or 69947 in its final
13 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
14 reporter compensation issues until "stakeholders have resolved the underlying substantive and
15 fiscal issues." *Id.* at 15.

16 Section 68114.8 was enacted in 1995 and has never been amended.

17 **§ 68525. Records and reports of official reporter**

18 68525. (a) The board of supervisors of each county may require each official
19 reporter and official temporary reporter to:

20 (1) Maintain records of transcript production and related income and expenses
21 for inspection and auditing.

22 (2) Submit annual reports derived from the records, with a verification of their
23 accuracy.

24 (b) The reports shall be submitted in sealed envelopes to a designated official
25 and shall be reviewed only by those persons having authority to inspect and audit
26 the records and reports. The records and reports of each reporter shall be
27 confidential and shall be reviewed only to derive composite data for setting a base
28 salary for the official reporters and official temporary reporters of each court. The
29 composite data shall be a matter of public record.

30 (c) Each such annual report shall include the following information:

31 (1) The quantity and types of transcripts prepared by the official reporters and
32 official reporters pro tempore during the reporting period.

33 (2) The fees charged and the fees collected for such transcripts.

34 (3) Expenses incurred by the reporters in connection with the preparation of
35 such transcripts.

36 (4) The amount of time the reporters have spent in attendance upon the courts
37 for the purpose of reporting proceedings, and the compensation received for this
38 purpose.

39 **Staff Note.** The Commission proposed to amend Section 68525 as follows in the 2001
40 tentative recommendation:

41 68525. (a) The ~~board of supervisors~~ superior court of each county may require each
42 official reporter and official ~~temporary~~ pro tempore reporter to:

43 (1) Maintain records of transcript production and related income and expenses for
44 inspection and auditing.

1 (2) Submit annual reports derived from the records, with a verification of their
2 accuracy.

3 (b) The reports shall be submitted in sealed envelopes to a designated official and shall
4 be reviewed only by those persons having authority to inspect and audit the records and
5 reports. The records and reports of each reporter shall be confidential and shall be
6 reviewed only to derive composite data for setting a base salary for the official reporters
7 and official ~~temporary~~ reporters pro tempore of each court. The composite data shall be a
8 matter of public record.

9 (c) Each such annual report shall include the following information:

10 (1) The quantity and types of transcripts prepared by the official reporters and official
11 reporters pro tempore during the reporting period.

12 (2) The fees charged and the fees collected for such transcripts.

13 (3) Expenses incurred by the reporters in connection with the preparation of such
14 transcripts.

15 (4) The amount of time the reporters have spent in attendance upon the courts for the
16 purpose of reporting proceedings, and the compensation received for this purpose.

17 **Comment.** Section 68525 is amended to reflect enactment of the Trial
18 Court Employment Protection and Governance Act. See Section 71673 (authority of
19 court).

20 The section is also amended for consistency of terminology. See Section
21 69941 (appointment of official reporters); see also subdivision (c)(1).

22 The Commission did not include any reform of Section 68525 in its final recommendation on
23 *TCR: Part 1*. Instead, the Commission deferred consideration of court reporter compensation
24 issues until “stakeholders have resolved the underlying substantive and fiscal issues.” *Id.* at 15.
25 Section 68525 has not been amended since 1984.

26 **§ 69893.7. Court personnel in Yolo County**

27 69893.7. Notwithstanding any other provision of law, the following provisions
28 shall apply to the Yolo County superior and municipal courts.

29 (a) To assist the court in the performance of its duties and the exercise of the
30 powers conferred by law upon the court, a majority of the judges of the superior
31 and municipal courts, with the approval of the board of supervisors, may establish
32 such job classifications and may appoint a clerk and such officers, assistants, and
33 employees, including official court reporters, as necessary. A majority of the
34 judges of the superior and municipal courts may delegate the creation of job
35 classifications and the appointment of employees to the court executive officer.
36 Official court reporters shall hold office at the pleasure of the appointing officer.

37 (b) The compensation, including salary, retirement, vacations, and other
38 benefits, of all Yolo County superior and municipal court officers and employees
39 may be adjusted by the board of supervisors. The board of supervisors may extend
40 the management benefits package to officers, assistants, and employees of the
41 superior and municipal courts, including judges, on the same basis as it is
42 extended to other officers and employees of the county. Unless otherwise provided
43 by law, employees of the superior and municipal courts are subject to the
44 personnel regulations, memoranda of understanding and affirmative action plan of
45 the county.

1 (c) In addition to the official court reporters, the presiding judge of the superior
2 and municipal courts may appoint as many court reporters pro tempore as the
3 business of the court requires, who shall hold office at his or her pleasure. The
4 court reporters pro tempore shall be unsalaried, but shall be compensated at a rate
5 to be established by joint action of the board of supervisors and a majority of the
6 judges of the superior and municipal courts. In criminal cases, the compensation of
7 the court reporters pro tempore shall, upon order of the court, be a charge against
8 the general fund of the county. The presiding judge of the superior and municipal
9 courts may delegate the appointment of court reporters pro tempore and the
10 determination of their salary to the court executive officer.

11 **Staff Note.** The Commission proposed to repeal Section 69893.7 in the 2001 tentative
12 recommendation. The accompanying Comment said:

13 **Comment.** Section 69893.7 is repealed to reflect:

14 (1) Unification of the municipal and superior courts in Yolo County pursuant to
15 Article VI, Section 5(e), of the California Constitution, effective June 3, 1998.

16 (2) Enactment of the Trial Court Employment Protection and Governance Act.
17 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
18 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
19 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
20 employment benefits not affected), 71640-71645 (employment selection and
21 advancement), 71650-71658 (employment protection system), 71673 (authority of
22 court). See also Sections 69941 (appointment of official reporters), 69947
23 (compensation of official reporter).

24 (3) Enactment of the Trial Court Funding Act. See Section 77003, Cal. R. Ct.
25 810 ("court operations" defined). See also Section 69952 (payment from
26 Trial Court Operations Fund); Code Civ. Proc. § 274a (transcript of proceedings).

27 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
28 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
29 Comment. However, the tentative recommendation did not specify the content of the proposed
30 new Section 69947.

31 The Commission did not include any reform of Section 69893.7 or 69947 in its final
32 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
33 reporter compensation issues until "stakeholders have resolved the underlying substantive and
34 fiscal issues." *Id.* at 15.

35 Section 69893.7 has not been amended since 1996.

36 **§ 69894.6. Official reporters in Los Angeles County**

37 69894.6. Notwithstanding Section 69894.1, in the County of Los Angeles, a
38 majority of the judges of the superior court may appoint 362 court reporters at
39 salary schedule 82F, NZ, N3. The salary schedule and notes are those found in the
40 Los Angeles County Code, Title 6. Court reporters shall serve at the pleasure of
41 the court and may at any time be removed by the court in its discretion.

42 **Staff Note.** The Commission proposed to repeal Section 69894.6 in the 2001 tentative
43 recommendation. The accompanying Comment said:

44 **Comment.** Section 69894.6 is repealed to reflect enactment of the Trial Court
45 Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation

1 of employees’ job classifications), 71620 (trial court personnel), 71623 (salaries),
 2 71640-71645 (employment selection and advancement, 71650-71658 (employment
 3 protection system), 71673 (authority of court). See also Sections 69941
 4 (appointment of official reporters), 69947 (compensation of official reporter).

5 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
 6 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
 7 Comment. However, the tentative recommendation did not specify the content of the proposed
 8 new Section 69947.

9 The Commission did not include any reform of Section 69894.6 or 69947 in its final
 10 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
 11 reporter compensation issues until “stakeholders have resolved the underlying substantive and
 12 fiscal issues.” *Id.* at 15.

13 Section 69894.6 has not been amended since 1994.

14 **§ 69903. Court officers and employees in Alameda County**

15 69903. In any county with a population of less than 1,073,200, but more than
 16 1,069,700 as determined by the 1970 federal census, a majority of the judges of
 17 the superior court may appoint the listed officers and employees whose salaries
 18 shall be paid by the county as follows:

	Title	Item
1	Executive officer	9030
1	Assistant executive officer	9031
1	Juvenile courts coordinator	9039
1	Probate commissioner	9050
2	Senior referees	9053
31	Court reporters	9056
1	Staff services assistant	0230
2	Secretary II	1220
1	Court statistician	9038
1	Supervising conciliation counselor	9054
1	Conciliation counselor	9057

3	Steno II	1210
1	Chief calendar clerk	9033
1	Chief deputy jury commissioner	9035
1	Chief deputy calendar clerk/jury commissioner	9034
1	Legal secretary reporter II	1245
10	Specialist clerks	1128
2	Supervising clerk I	1138
1	Chief probate investigator	9065
3	Probate investigators	9060
1	Clerk II	1120
	Court reporter, pro tem	F 78.16/day

1 The item number set forth in the previous paragraph refers to the classifications
2 contained in the Alameda County salary ordinance and superior court positions
3 shall be paid the equivalent amount as specified in the salary ordinance.

4 All personnel appointed pursuant to this section shall be exempt from civil
5 service laws serving at the pleasure of the judges of the court and may at any time
6 be removed by a majority thereof at their discretion. Notwithstanding any other
7 provision of this section, each judge may appoint a competent phonographic
8 reporter who shall perform, in addition to his other duties, such secretarial services
9 for the appointing judge as he requires in the performance of his official duties.

10 With the approval of the board of supervisors, a majority of the judges may
11 establish such additional titles and pay rates as are required and may appoint such
12 additional commissioners, officers, assistants, and other employees as they deem
13 necessary for the performance of the duties and exercise of the powers conferred
14 by law upon the court and its members. Rates of compensation of all such officers,
15 assistants, and other employees may be adjusted by joint action and approval of
16 the board of supervisors and a majority of the judges of the court. Such additional
17 appointments or changes in compensation made pursuant to this section shall be on

1 an interim basis and shall expire on the effective date of appropriate ratifying or
2 modifying state legislation.

3 All personnel except pro tem court reporters shall be entitled to salary
4 advancement, vacation, sick leave, holiday benefits, other leaves of absence, and
5 other benefits, not more than that provided in the Alameda County Administrative
6 Code for county employees. However, vacation benefits for commissioner and
7 referee classifications shall be determined by written court policy.

8 All personnel except pro tem court reporters shall be included in the Alameda
9 County retirement system.

10 If the board of supervisors provides by ordinance or resolution for a rate of
11 compensation for positions in any of the superior court classes specified in this
12 section which is higher than that herein otherwise provided for, such higher rate of
13 compensation shall be effective at the same time and in the same manner as rates
14 of pay for Alameda County employees generally. Comparative classes shall be
15 determined by a majority of the judges and the board of supervisors.

16 **Staff Note.** The Commission proposed to repeal Section 69903 in the 2001 tentative
17 recommendation. The accompanying Comment said:

18 **Comment.** Section 69903 is repealed to reflect:

19 (1) Enactment of the Trial Court Employment Protection and Governance
20 Act. See Sections 71601(l) (“trial court employee” defined), 71623 (salaries),
21 71673 (authority of court).

22 (2) Enactment of Section 69505 (business-related travel expenses of trial
23 court judges and employees).

24 (3) Enactment of the Trial Court Funding Act. See Sections 77003 (“court
25 operations” defined), 77009 (Trial Court Operations Fund), 77200 (state funding
26 of trial court operations).

27 The Commission did not include any reform of Section 69903 in its final recommendation on
28 *TCR: Part 1*. Instead, the Commission deferred consideration of court reporter compensation
29 issues until “stakeholders have resolved the underlying substantive and fiscal issues.” *Id.* at 15.

30 Section 69903 was enacted in 1979 and has never been amended.

31 **§ 69947. Compensation of official reporter**

32 69947. Except in counties where a statute provides otherwise, the official
33 reporter shall receive for his services the fees prescribed in this article.

34 **Staff Note.** The Commission proposed to repeal Section 69947 in the 2001 tentative
35 recommendation. The accompanying Comment said:

36 **Comment.** Section 69947, relating to compensation of the official reporter, is
37 superseded by new Section 69947 (compensation of official reporter).

38 The tentative recommendation also proposed to add a new Section 69947 on court reporter
39 compensation. However, the tentative recommendation did not specify the content of the
40 proposed new Section 69947.

1 Earlier in 2001, the staff prepared and circulated a discussion draft on court reporter
2 compensation, which did include proposed language for a new Section 69947. That language did
3 not prove acceptable. This history is described in more detail in the body of this memorandum.

4 The Commission did not include any reform of Section 69947 in its final recommendation on
5 *TCR: Part 1*. Instead, the Commission deferred consideration of court reporter compensation
6 issues until “stakeholders have resolved the underlying substantive and fiscal issues.” *Id.* at 15.

7 Section 69947 was enacted in 1953 and has never been amended.

8 **§ 69948. Compensation in contested cases**

9 69948. (a) The fee for reporting testimony and proceedings in contested cases is
10 fifty-five dollars (\$55) a day, or any fractional part thereof.

11 (b) In San Joaquin County, the compensation for superior court reporters shall
12 be that prescribed by Section 69993.

13 (c) In Madera County, the board of supervisors may, by ordinance or resolution,
14 prescribe a higher rate of compensation for superior court reporters.

15 (d) In Kings County, the fee for reporting testimony and proceedings in
16 contested cases is one hundred forty dollars (\$140) a day, or any fractional part
17 thereof.

18 (e) In Mariposa County, the board of supervisors may, by ordinance or
19 resolution, prescribe the rate of compensation for superior court reporters.

20 (f) In Siskiyou County, the board of supervisors may, by ordinance, prescribe a
21 higher rate of compensation for superior court reporters.

22 (g) In Yuba County, the board of supervisors may, by ordinance or resolution,
23 prescribe a higher rate of compensation for superior court reporters.

24 (h) In Butte County, pro tempore reporters shall receive a fee of seventy-five
25 dollars (\$75) a day, or any fractional part thereof, for reporting testimony and
26 proceedings in contested cases.

27 (i) In Sutter County, except as may otherwise be provided in Sections 70045.11
28 and 74839, the fee for reporting testimony and proceedings in contested cases is
29 one hundred ten dollars (\$110) per day, or any fractional part thereof. However,
30 the board of supervisors may, by ordinance, prescribe a higher rate of
31 compensation for superior court reporters.

32 (j) In Napa County, the board of supervisors may, by ordinance, prescribe a
33 higher rate of compensation for superior court reporters.

34 (k) In Tehama County, the board of supervisors may, by ordinance, prescribe a
35 higher rate of compensation for superior court reporters.

36 (l) In Monterey County, the fee for reporting testimony and proceedings in
37 contested cases in any court is seventy-five dollars (\$75) a day or any fractional
38 part thereof.

39 (m) In Nevada County, the board of supervisors may, by ordinance, prescribe a
40 higher rate of compensation for superior court reporters.

41 (n) In Calaveras County, the fee for reporting testimony and proceedings in
42 contested cases is seventy-five dollars (\$75) per day, or any fractional part thereof.

1 However, the board of supervisors may, by ordinance, prescribe a higher rate of
2 compensation for superior court reporters.

3 (o) In Placer County, the board of supervisors may, by ordinance, prescribe a
4 higher rate of compensation for superior court reporters.

5 (p) In Sierra County, the board of supervisors may, by ordinance, prescribe a
6 higher rate of compensation for superior court reporters.

7 (q) In Trinity County, the board of supervisors may, by ordinance, prescribe a
8 higher rate of compensation for superior court reporters.

9 (r) In Humboldt County, the fee for reporting testimony and proceedings in
10 contested cases is seventy-five dollars (\$75) per day, or any fractional part thereof.

11 (s) In Del Norte County, the fee for reporting testimony and proceedings in
12 contested cases is seventy-five dollars (\$75) per day, or any fractional part thereof.

13 (t) In Alpine County, the board of supervisors may, by ordinance, prescribe a
14 higher rate of compensation for superior court reporters.

15 (u) In Glenn County, the board of supervisors may, by ordinance, prescribe a
16 higher rate of compensation for superior court reporters.

17 (v) In Colusa County, the fee for reporting testimony and proceedings in
18 contested cases is one hundred twenty-five dollars (\$125) per day, or any
19 fractional part thereof.

20 (w) In Shasta County, the board of supervisors may prescribe a higher rate of
21 compensation for superior court reporters.

22 (x) In Solano County, the fee for reporting testimony and proceedings in
23 contested cases is ninety dollars (\$90) per day, or fifty-five dollars (\$55) per half
24 day or fractional part thereof. However, the board of supervisors may, by
25 ordinance, prescribe a higher rate of compensation for superior court reporters.

26 (y) In Inyo County, the board of supervisors may, by ordinance, prescribe a
27 higher rate of compensation for superior court reporters.

28 (z) In Mono County, the board of supervisors may, by ordinance, prescribe a
29 higher rate of compensation for superior court reporters.

30 **Staff Note.** The Commission proposed to repeal Section 69948 in the 2001 tentative
31 recommendation. The accompanying Comment said:

32 **Comment.** Section 69948 is superseded by Section 69947 (compensation of
33 official reporter).

34 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
35 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
36 Comment. However, the tentative recommendation did not specify the content of the proposed
37 new Section 69947.

38 The Commission did not include any reform of Section 69947 or 69948 in its final
39 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
40 reporter compensation issues until “stakeholders have resolved the underlying substantive and
41 fiscal issues.” *Id.* at 15.

42 Section 69448 has not been amended since 1990.

1 § 69948.5. Compensation in Modoc County

2 69948.5. Notwithstanding Section 69948, in Modoc County, the board of
3 supervisors may, by ordinance, prescribe a higher rate of compensation for
4 superior court reporters.

5 **Staff Note.** The Commission proposed to repeal Section 69948.5 in the 2001 tentative
6 recommendation. The accompanying Comment said:

7 **Comment.** Section 69948.5 is superseded by Section 69947 (compensation of
8 official reporter).

9 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
10 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
11 Comment. However, the tentative recommendation did not specify the content of the proposed
12 new Section 69947.

13 The Commission did not include any reform of Section 69947 or 69948.5 in its final
14 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
15 reporter compensation issues until “stakeholders have resolved the underlying substantive and
16 fiscal issues.” *Id.* at 15.

17 Section 69448.5 was enacted in 1983 and has never been amended.

18 § 69949. Fee for reporting default

19 69949. The fee for reporting each default or uncontested action or proceeding is
20 ten dollars (\$10). If more than four defaults or uncontested matters are reported in
21 any one day, or two or more defaults are reported in conjunction with any
22 contested case, the fee is forty-five dollars (\$45) a day, or any fractional part
23 thereof.

24 **Staff Note.** The Commission proposed to repeal Section 69949 in the 2001 tentative
25 recommendation. The accompanying Comment said:

26 **Comment.** Section 69949 is superseded by Section 69947 (compensation of
27 official reporter).

28 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
29 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
30 Comment. However, the tentative recommendation did not specify the content of the proposed
31 new Section 69947.

32 The Commission did not include any reform of Section 69947 or 69949 in its final
33 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
34 reporter compensation issues until “stakeholders have resolved the underlying substantive and
35 fiscal issues.” *Id.* at 15.

36 Section 69449 has not been amended since 1967.

37 § 69952. Payment process

38 69952. (a) The court may specifically direct the making of a verbatim record and
39 payment therefor shall be from the county treasury on order of the court in the
40 following cases:

- 41 (1) Criminal matters.
- 42 (2) Juvenile proceedings.
- 43 (3) Proceedings to declare a minor free from custody.

1 (4) Proceedings under the Lanterman-Petris-Short Act, (Part 1 (commencing
2 with Section 5000) of Division 5 of the Welfare and Institutions Code).

3 (5) As otherwise provided by law.

4 (b) Except as otherwise authorized by law, the court shall not order to be
5 transcribed and paid for out of the county treasury any matter or material except
6 that reported by the reporter pursuant to Section 269 of the Code of Civil
7 Procedure. When there is no official reporter in attendance and a reporter pro
8 tempore is appointed, his or her reasonable expenses for traveling and detention
9 shall be fixed and allowed by the court and paid in like manner. When the court
10 orders a daily transcript, necessitating the services of two phonographic reporters,
11 the reporting fee for each of the reporters and the transcript fee shall be proper
12 charges against the county treasury, and the daily transcript shall be pursuant to
13 Section 269 of the Code of Civil Procedure. When the daily transcript is prepared
14 by a single reporter, an additional fee for technological services, as set by the court
15 with the agreement of the reporter, may be imposed. However, the total of the fee
16 for a single reporter and the fee for technological services shall be less than the
17 total fee for two reporters.

18 **Staff Note.** The Commission proposed to amend Section 69952 as follows in the 2001
19 tentative recommendation:

20 69952. (a) The court may specifically direct the making of a verbatim record
21 and payment therefor shall be from the ~~county treasury~~ Trial Court Operations Fund
22 on order of the court in the following cases:

23 (1) Criminal matters.

24 (2) Juvenile proceedings.

25 (3) Proceedings to declare a minor free from custody.

26 (4) Proceedings under the Lanterman-Petris-Short Act, (Part 1
27 (commencing with Section 5000) of Division 5 of the Welfare and Institutions
28 Code).

29 (5) As otherwise provided by law.

30 (b) Except as otherwise authorized by law, the court shall not order to be
31 transcribed and paid for out of the ~~county treasury~~ Trial Court Operations Fund
32 any matter or material except that reported by the reporter pursuant to Section 269
33 of the Code of Civil Procedure. When there is no official reporter in attendance and
34 ~~a~~ an official reporter pro tempore is appointed, his or her reasonable expenses
35 for traveling and detention shall be fixed and allowed by the court and paid in like
36 manner. When the court orders a daily transcript, necessitating the services
37 of two phonographic reporters, the reporting fee for each of the reporters and the
38 transcript fee shall be proper charges against the ~~county treasury~~ Trial Court
39 Operations Fund, and the daily transcript shall be pursuant to Section 269 of the Code
40 of Civil Procedure. When the daily transcript is prepared by a single reporter,
41 an additional fee for technological services, as set by the court with the agreement
42 of the reporter, may be imposed. However, the total of the fee for a single reporter
43 and the fee for technological services shall be less than the total fee for two reporters.

44 **Comment.** Section 69952 is amended to reflect enactment of the Trial
45 Court Act. See Sections 77003 (“court operations” defined), 77009 (Trial
46 Court Operations Fund), 77200 (state funding of trial court operations). See also
47 Section 68073 (responsibility for court operations and facilities).

48 The section is also amended for consistency of terminology. See Section

69941 (appointment of official reporters).

The Commission also included this amendment of Section 69952 in its final recommendation on *TCR: Part 1*. However, the amendment was deleted from the implementing legislation (SB 1316 (Committee on Judiciary)) in 2002, because “the Administrative Office of the Courts wants to give the matter further study.” See Memorandum 2002-28, p. 2.

Section 69952 has not been amended since 1986.

§ 69953.5. Daily transcript requiring more than one reporter

69953.5. Notwithstanding any other provision of law, whenever a daily transcript is ordered in a civil case requiring the services of more than one phonographic reporter, the party requesting the daily transcript, in addition to any other required fee, shall pay a fee per day, or portion thereof, equal to the per diem rate for pro tempore reporters established by statute, local rule, or ordinance for the services of each additional reporter for the first day and each subsequent day the additional reporters are required. This fee shall be distributed to the court in which it was collected to offset the cost of the additional reporter.

Staff Note. The second sentence of Section 69953.5 was added in 2005. See 2005 Cal. Stat. ch. 75, § 116 (AB 145 (Committee on Budget), effective 7/19/05 & operative 1/1/06). The first sentence has not changed since the section was enacted in 1986.

The Commission proposed to amend Section 69953.5 as follows in the 2001 tentative recommendation:

69953.5. Notwithstanding any other provision of law, whenever a daily transcript is ordered in a civil case requiring the services of more than one phonographic reporter, the party requesting the daily transcript, in addition to any other required fee, shall pay a fee per day, or portion thereof, equal to the per diem rate for ~~pro tempore reporters established by statute, local rule, or ordinance~~ an official reporter pro tempore established pursuant to Section 69947 for the services of each additional reporter for the first day and each subsequent day the additional reporters are required.

Comment. Section 69953.5 is amended to reflect enactment of the Trial Court Funding Act. See Sections 77001 (local trial court management), 77200 (state funding of trial court operations). See also Section 69947 (compensation of official reporter).

The section is also amended for consistency of terminology. See Section 69941 (appointment of official reporters).

The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of official reporter) and add a new Section 69947 on the same subject, which was cited in the above Comment. However, the tentative recommendation did not specify the content of the proposed new Section 69947.

The Commission did not include any reform of Section 69947 or 69953.5 in its final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court reporter compensation issues until “stakeholders have resolved the underlying substantive and fiscal issues.” *Id.* at 15.

§ 69956. Stenographic or clerical assistance by reporter

69956. The official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by this code, he shall render stenographic or clerical assistance, or both, to the

1 judge or judges of the superior court as such judge or judges may direct. In
2 addition to the compensation otherwise provided by law, any reporter required to
3 render such stenographic or clerical assistance shall receive such compensation
4 therefor as the superior court may prescribe, not to exceed the sum of twenty
5 dollars (\$20) a day, which shall be payable by the county in the same manner and
6 from the same funds as other salary demands against the county.

7 **Staff Note.** The Commission proposed to repeal Section 69956 in the 2001 tentative
8 recommendation. The accompanying Comment said:

9 **Comment.** Section 69956 is superseded by Sections 69941 (appointment of
10 official reporters) and 69947 (compensation of official reporter).

11 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
12 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
13 Comment. However, the tentative recommendation did not specify the content of the proposed
14 new Section 69947.

15 The Commission did not include any reform of Section 69947 or 69956 in its final
16 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
17 reporter compensation issues until “stakeholders have resolved the underlying substantive and
18 fiscal issues.” *Id.* at 15.

19 Section 69956 was enacted in 1953 and has never been amended.

20 **§ 69990. Official reporters in Monterey and Stanislaus Counties**

21 69990. In each county with a population of more than 70,000 and less than
22 100,000, as determined by the 1940 federal census, to assist the court in the
23 transaction of its judicial business, a majority of the judges of the superior court
24 for such county may appoint as many regular official phonographic reporters as
25 necessary to report the proceedings in the court. The number of reporters so
26 appointed shall not exceed at any one time the number of offices of judge provided
27 by law for the court. The reporters shall hold office during the pleasure of a
28 majority of the judges of said court.

29 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
30 article consisting of Sections 69990 and 69991. The accompanying Comment said:

31 **Comment.** Sections 69990-69991 are repealed to reflect enactment of the Trial Court
32 Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation of
33 employees’ job classifications), 71620 (trial court personnel), 71623 (salaries), 71640-71645
34 (employment selection and advancement), 71650-71658 (employment protection system).
35 See also Sections 68086 (fees for reporting services in civil cases generally), 69941
36 (appointment official reporters), 69947 (compensation of official reporter).

37 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
38 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
39 Comment. However, the tentative recommendation did not specify the content of the proposed
40 new Section 69947.

41 The Commission did not include any reform of Sections 69947, 69990, or 69991 in its final
42 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
43 reporter compensation issues until “stakeholders have resolved the underlying substantive and
44 fiscal issues.” *Id.* at 15.

45 Section 69990 has not been amended since 1953.

1 § 69991. Duties and compensation of official reporters in Monterey and Stanislaus Counties

2 69991. The duties of official reporters appointed pursuant to Section 69990 shall
3 be performed as elsewhere provided by law. As full compensation for taking notes
4 in criminal cases in the superior court each reporter shall receive a monthly salary
5 of one thousand eighty-one dollars (\$1,081), and the fee for reporting testimony
6 and proceedings in civil contested cases is seventy-five dollars (\$75) a day, or any
7 fractional part thereof, and for the purposes of retirement, the compensation of
8 each reporter shall be deemed to be the total of all per diem and transcription fees
9 paid by the county to all of the reporters of the superior court for all phonographic
10 reporting services, divided by the number of superior court official reporters, plus
11 his salary. All other fees of such reporters shall be as elsewhere provided by law.
12 In cases where it is necessary to appoint a pro tempore reporter, he shall be
13 allowed the fees elsewhere provided by law.

14 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
15 article consisting of Sections 69990 and 69991. The accompanying Comment said:

16 **Comment.** Sections 69990-69991 are repealed to reflect enactment of the Trial Court
17 Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation of
18 employees' job classifications), 71620 (trial court personnel), 71623 (salaries), 71640-71645
19 (employment selection and advancement), 71650-71658 (employment protection system).
20 See also Sections 68086 (fees for reporting services in civil cases generally), 69941
21 (appointment official reporters), 69947 (compensation of official reporter).

22 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
23 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
24 Comment. However, the tentative recommendation did not specify the content of the proposed
25 new Section 69947.

26 The Commission did not include any reform of Section 69947, 69990, or 69991 in its final
27 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
28 reporter compensation issues until "stakeholders have resolved the underlying substantive and
29 fiscal issues." *Id.* at 15.

30 Section 69991 has not been amended since 1975.

31 § 69992. Application of article to Santa Clara County

32 69992. This article applies to counties containing a population of 750,000 and
33 under 1,070,000 according to the 1970 federal census.

34 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
35 article consisting of Sections 69992 and 69992.2. The accompanying Comment said:

36 **Comment.** Sections 69992-69992.2 are repealed to reflect the repeal of former
37 Section 69992.1, to which they are related.

38 The Commission did not include any reform of Section 69992 or 69992.2 in its final
39 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
40 reporter compensation issues until "stakeholders have resolved the underlying substantive and
41 fiscal issues." *Id.* at 15.

42 Section 69992 was added to the codes in 1984 and has never been amended.

1 § 69992.2. Fee to be taxed as costs

2 69992.2. The fee required by Section 69992.1 shall be taxed as costs in favor of
3 any party paying the same and to whom costs are awarded by the judgment of the
4 court. Such fee shall not be subject to the provisions of Section 6103 of the
5 Government Code.

6 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
7 article consisting of Sections 69992 and 69992.2. The accompanying Comment said:

8 **Comment.** Sections 69992-69992.2 are repealed to reflect the repeal of former
9 Section 69992.1, to which they are related.

10 The Commission did not include any reform of Section 69992 or 69992.2 in its final
11 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
12 reporter compensation issues until “stakeholders have resolved the underlying substantive and
13 fiscal issues.” *Id.* at 15.

14 Section 69992.2 was added to the codes in 1984 and has never been amended.

15 § 69993. Official reporters in San Joaquin County

16 69993. In San Joaquin County, each superior court reporter shall be paid a salary
17 to be established by the San Joaquin County Board of Supervisors.

18 The number of superior court reporters shall not be less than the number of San
19 Joaquin County Superior Court judicial positions.

20 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal
21 Section 69993. The accompanying Comment said:

22 **Comment.** Section 69993 is repealed to reflect enactment of the Trial Court
23 Employment Protection and Governance Act. See Sections 71620 (trial court personnel
24 71623 (salaries), 71673 (authority of court). See also Sections 69941 (appointment of
25 official reporters, 69947 (compensation of official reporter).

26 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
27 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
28 Comment. However, the tentative recommendation did not specify the content of the proposed
29 new Section 69947.

30 The Commission did not include any reform of Section 69947 or 69993 in its final
31 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
32 reporter compensation issues until “stakeholders have resolved the underlying substantive and
33 fiscal issues.” *Id.* at 15.

34 Section 69993 has not been amended since 1989.

35 § 69994. Appointment of official reporters in Sacramento County

36 69994. This article shall apply in a county having a population of more than
37 490,000 and less than 503,000, as determined by the 1960 federal census. The
38 judges of the superior and municipal courts of such county, a majority concurring,
39 may appoint as many regular official phonographic reporters as may be necessary
40 to report the proceedings in the courts of the county and to perform such other
41 duties as are prescribed by law. The number of reporters so appointed shall not
42 exceed the number of offices of judges provided by law for superior and municipal

1 courts of such county. Such reporters shall hold office during the pleasure of the
2 judges of such court, a majority concurring.

3 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
4 article consisting of Sections 69994-69994.9. The accompanying Comment said:

5 **Comment.** Sections 69994-69994.9 are repealed to reflect:

6 (1) Unification of the municipal and superior courts in Sacramento County pursuant to
7 Article VI, Section 5(e), of the California Constitution, effective June 17, 1998.

8 (2) Enactment of the Trial Court Employment Protection and Governance Act.
9 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
10 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
11 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
12 employment benefits not affected), 71640-71645 (employment selection and
13 advancement), 71650-71658 (employment protection system), 71673 (authority of
14 court). See also Sections 68086 (fees for reporting services), 69941-69955 (official
15 reporters generally).

16 (3) Enactment of the Trial Court Funding Act. See Sections 77003 ("court operations"
17 defined), 77009 (Trial Court Operations Fund), 77200 (state funding of trial court
18 operations).

19 The Commission did not include any reform of Sections 69994-69994.9 in its final
20 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
21 reporter compensation issues until "stakeholders have resolved the underlying substantive and
22 fiscal issues." *Id.* at 15.

23 Section 69994 was added to the codes in 1969 and has never been amended.

24 **§ 69994.1. Appointment of official reporters pro tempore in Sacramento County**

25 69994.1. When needed in order that the judicial business of the courts in such
26 county may be carried on without delay, the judges of such courts may appoint as
27 many additional phonographic reporters as the business of the courts may require,
28 who shall be known as official reporters pro tempore, and who shall be
29 compensated at the same rate of compensation as official phonographic reporters
30 in such county would be compensated for the first year of service computed on a
31 daily basis.

32 **Staff Note.** Section 69994.1 has not been amended since 1980. For further historical
33 information on this section, see the Staff Note accompanying Section 69994.

34 **§ 69994.2. Compensation of official reporters in Sacramento County**

35 69994.2. The regular official phonographic reporters shall be compensated at an
36 annual salary of forty-seven thousand seven hundred eleven dollars (\$47,711),
37 except that these reporters may be employed at an annual salary of thirty-nine
38 thousand two hundred thirty-four dollars (\$39,234) for the first year of service, at
39 an annual salary of forty-one thousand one hundred ninety-six dollars (\$41,196)
40 for the second year of service, at an annual salary of forty-three thousand two
41 hundred sixty-three dollars (\$43,263) for the third year of service, and at an annual
42 salary of forty-five thousand four hundred thirty-five dollars (\$45,435) for the
43 fourth year of service. The judges of the superior and municipal courts of such

1 county, a majority concurring, may appoint a supervising phonographic reporter at
2 an annual salary of forty-nine thousand six hundred fifty-three dollars (\$49,653)
3 except that such reporter may be employed at an annual salary of forty-five
4 thousand thirty-eight dollars (\$45,038) for the first year of service and at an annual
5 salary of forty-seven thousand two hundred ninety-three dollars (\$47,293) for the
6 second year of service.

7 **Staff Note.** Section 69994.2 has not been amended since 1993. For further historical
8 information on this section, see the Staff Note accompanying Section 69994.

9 **§ 69994.3. Benefits for official reporters in Sacramento County**

10 69994.3. In addition to the compensation provided in this article, each salaried
11 official reporter shall be entitled to, and shall receive, vacation and sick leave
12 allowances, retirement, and other privileges and benefits as are now, or may
13 hereafter be provided for the employees of the County of Sacramento, including
14 the right to participate in any group accident, health, or life insurance plan adopted
15 by the board of supervisors of the county.

16 For the purpose of such retirement system, the salary or compensation provided
17 for reporters in this article shall be deemed their entire compensation.

18 **Staff Note.** Section 69994.3 has not been amended since 1969. For further historical
19 information on this section, see the Staff Note accompanying Section 69994.

20 **§ 69994.4. Daily transcript in Sacramento County**

21 69994.4. No further fee than that herein provided shall be collected from, or
22 assessed against, any party to any proceeding for the services of a phonographic
23 reporter in taking down in shorthand the testimony and other proceedings in the
24 trial or hearing of any matter as required by law or by order of the court, except
25 that in a civil case when a daily transcript is ordered by a party, such party shall
26 pay for the services of a pro tempore reporter if required; but a phonographic
27 reporter shall be allowed, and shall receive, unless waived by him, the fees
28 allowed by law for transcribing his shorthand notes of the testimony and
29 proceedings reported by him, and such fees for transcription shall be paid as
30 provided by law.

31 **Staff Note.** Section 69994.4 has not been amended since 1969. For further historical
32 information on this section, see the Staff Note accompanying Section 69994.

33 **§ 69994.5. Manner of payment**

34 69994.5. The salaries provided for in this article shall be paid in biweekly
35 installments from the general fund of the county, and shall be allowed and audited
36 in the same manner as other salary demands against the county.

1 **Staff Note.** Section 69994.5 has not been amended since 1977. For further historical
2 information on this section, see the Staff Note accompanying Section 69994.

3 **§ 69994.8. Nomenclature and line of authority**

4 69994.8. All reporters appointed pursuant to this article shall be known as
5 official court reporters of the County of Sacramento. As attachés of the court,
6 official reporters shall not be subject to the authority of any county administrative
7 office or civil service commission.

8 **Staff Note.** Section 69994.8 has not been amended since 1969. For further historical
9 information on this section, see the Staff Note accompanying Section 69994.

10 **§ 69994.9. Additional classifications and rates of compensation**

11 69994.9. With the approval of the board of supervisors the court may establish
12 such additional classifications and rates of compensation as are required. Rates of
13 compensation of regular official phonographic reporters may be adjusted by
14 approval of the board of supervisors and a majority of the judges of the courts.
15 Such appointments or changes in compensation made pursuant to this paragraph
16 shall be on an interim basis and shall expire 60 days after the final adjournment of
17 the next regular session of the Legislature unless ratified at such session.

18 **Staff Note.** Section 69994.9 has not been amended since 1969. For further historical
19 information on this section, see the Staff Note accompanying Section 69994.

20 **§ 69995. Official reporters in Ventura County**

21 69995. (a) In Ventura County, a majority of the judges of the superior court may
22 appoint as many competent official phonographic reporters as the business of the
23 superior court requires, and as required to provide court reporting service to the
24 municipal court of the county as provided in subdivision (c). The court may
25 additionally employ as many pro tempore phonographic reporters as may from
26 time to time be required to supplement the services of the official court reporters.
27 The court may further appoint one of the official court reporters to serve as senior
28 superior court reporter to coordinate and supervise the activities of official and pro
29 tempore court reporters.

30 Official reporters of the superior court shall be exempt from the provisions of
31 any civil service system as employees of the court. They shall serve at the pleasure
32 of a majority of the judges thereof, subject to such court rules and policy as may
33 be adopted by the judges for regulation of superior court personnel. Official and
34 pro tempore superior court reporters shall provide court reporting services for such
35 departments of the superior court and divisions of the municipal court, for such
36 criminal, juvenile and civil proceedings, and proceedings before the grand jury, as
37 directed by the presiding judges of the respective courts, subject to the provisions
38 of this section.

1 (b) The salary paid to official full-time superior court reporters for services in
2 reporting any and all testimony and proceedings in the superior and municipal
3 courts and before the grand jury, shall be a five-step salary range with biweekly
4 amounts equivalent to ninety percent (90%) of the corresponding steps in the
5 established salary range for official superior court reporters in Los Angeles
6 County. The initial hiring rate for official superior court reporters shall be the first
7 step of the salary range, and subsequent increases within the range shall be at
8 intervals of six months from the first to second step, and one year between each
9 succeeding step, as determined by the court, based on satisfactory performance.
10 Nothing herein shall prohibit the initial appointment or subsequent elevation of a
11 reporter's salary from the steps herein specified, as may be determined by the
12 court on the basis of experience, qualifications and meritorious performance. The
13 salary of the official court reporter who is appointed to serve as senior superior
14 court reporter, shall be fixed at ten percent (10%) above the biweekly salary steps
15 specified for official superior court reporters.

16 The salary range of official court reporters may be adjusted by joint action and
17 approval of the board of supervisors and a majority of the judges of the superior
18 court. Such changes in compensation made pursuant to this provision shall be on
19 an interim basis and shall expire January 1 following adjournment of the next
20 regular session of the Legislature unless ratified at such session.

21 The per diem compensation for pro tempore reporters serving the superior or
22 municipal court or the grand jury shall be established at one-tenth ($1/10$) of the top
23 step in the biweekly salary range established for official superior court reporters,
24 for each day of service or any portion thereof.

25 Official reporters of the superior court shall be entitled to all benefits provided
26 for the employees of the county, including, but not limited to, participation in
27 county retirement plans, vacation, holiday and sick leave benefits, and insurance
28 plans. These benefits shall also include the same lump-sum payments for benefit
29 accrual balances upon separation from service, as are made to employees of the
30 county. All other compensation, fees, and benefits for official and pro tempore
31 superior court reporters shall be as elsewhere provided by law.

32 (c) Upon request of the Presiding Judge of the Municipal Court of Ventura
33 County, official and pro tempore reporters of the superior court shall act as pro
34 tempore reporters in the municipal court in all proceedings of the municipal court
35 where their services may be required. Official superior court reporters who are
36 assigned to serve as pro tempore municipal court reporters under this provision,
37 shall receive no additional compensation for such services, and pro tempore
38 superior court reporters who are assigned to serve as pro tempore municipal court
39 reporters shall not receive compensation in excess of one per diem fee for service
40 in either or both of such courts on any single court day. Requests to provide the
41 municipal court with the services of superior court reporters shall be directed to
42 either the presiding judge or the executive officer of the superior court by either

1 the presiding judge or the executive officer of the municipal court, and shall be
2 effective only during the pleasure of the judges of both courts, a majority of the
3 judges of each court concurring.

4 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
5 article consisting of Sections 69995-69999. The accompanying Comment said:

6 **Comment.** Sections 69995-69999 are repealed to reflect:

7 (1) Unification of the municipal and superior courts in Ventura County pursuant to
8 Article VI, Section 5(e), of the California Constitution, effective June 10, 1998.

9 (2) Enactment of the Trial Court Employment Protection and Governance Act.

10 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
11 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
12 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
13 employment benefits not affected), 71640-71645 (employment selection and
14 advancement), 71650-71658 (employment protection system), 71673 (authority of
15 court). See also Sections 68086 (fees for reporting services in civil cases generally),
16 69941 (appointment of official reporters), 69947 (compensation of official reporter).

17 (3) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court
18 Operations Fund). See also Sections [sic] 68086 (fees for reporting services in civil
19 cases generally).

20 There was also an accompanying Note, which explained that provisions relating to county
21 treasuries were being examined by a Joint Court-County Working Group on Trial Court Funding.
22 The Note solicited comment on the proper treatment of such provisions (e.g., Section 69999).

23 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
24 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
25 Comment. However, the tentative recommendation did not specify the content of the proposed
26 new Section 69947.

27 The Commission did not include any reform of Section 69947 or Sections 69995-69999 in its
28 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
29 reporter compensation issues until "stakeholders have resolved the underlying substantive and
30 fiscal issues." *Id.* at 15.

31 Section 69995 has not been amended since 1976.

32 **§ 69998. Transcription fees in Ventura County**

33 69998. No further fee than that prescribed in this article shall be collected from,
34 or assessed against, any party to any proceeding for the services of a phonographic
35 reporter in taking down in shorthand the testimony and other proceedings in the
36 trial or hearing of any matter as required by law or by order of the court, but a
37 phonographic reporter shall be allowed and unless waived by him shall receive the
38 fees allowed for transcribing his shorthand notes of the testimony and proceedings
39 reported by him, as elsewhere provided by law.

40 **Staff Note.** Section 69998 was enacted in 1974 and has never been amended. For further
41 historical information on this section, see the Staff Note accompanying Section 69995.

42 **§ 69999. Taxation of costs and transmittal of funds**

43 69999. Any fee required by this article shall be taxed as costs in favor of any
44 party paying it and to whom costs are awarded by the judgment of the court. Such
45 fee shall not be subject to the provisions of Section 6103 of this code. Such fee

1 shall not be required of any party who is exempted from the payment of costs by
2 any statute other than Section 6103 of this code.

3 On or before the first day of each calendar month, the county clerk shall transmit
4 to the county treasurer all money paid to him pursuant to this article during the
5 preceding calendar month, or up to the day immediately preceding that on which
6 he transmits the money. The money shall be deposited in the general fund of the
7 county.

8 **Staff Note.** Section 69999 was enacted in 1974 and has never been amended. For further
9 historical information on this section, see the Staff Note accompanying Section 69995.

10 **§ 70000. Official reporters in Calaveras County**

11 70000. In each county with a population of more than 10,000 and less than
12 10,500, as determined by the 1960 federal census, to assist the court in the
13 transaction of its judicial business, a majority of the judges of the superior court
14 for such county may appoint one official phonographic reporter to report the
15 proceedings in the court. The reporter shall hold office during the pleasure of a
16 majority of the judges of the court. The reporter shall perform the duties and be
17 allowed the fees as elsewhere provided by law.

18 **Staff Note.** The Commission proposed to repeal Section 70000 in the 2001 tentative
19 recommendation. The accompanying Comment said:

20 **Comment.** Section 70000 is repealed to reflect enactment of the Trial Court
21 Employment Protection and Governance Act. See Sections 71615(c)(1) (preservation
22 of employees' job classifications), 71620 (trial court personnel), 71640-71645
23 (employment selection and advancement, 71650-71658 (employment protection
24 system), 71673 (authority of court). See also Section 69941 (appointment of official
25 reporters).

26 The Commission did not include any reform of Section 70000 in its final recommendation on
27 *TCR: Part 1*. Instead, the Commission deferred consideration of court reporter compensation
28 issues until "stakeholders have resolved the underlying substantive and fiscal issues." *Id.* at 15.
29 Section 70000 was enacted in 1965 and has never been amended.

30 **§ 70010. Appointment of official reporters in Orange County**

31 70010. In each county having a population of 210,000 inhabitants and less than
32 220,000 inhabitants, as determined by the 1950 federal census, the judges of the
33 superior court of such county, a majority concurring, to assist the court in the
34 transaction of the judicial business of such court, by having performed the duties
35 of phonographic reporters as elsewhere in this code defined, may appoint as many
36 regular official phonographic reporters as may be necessary to report the
37 proceedings in such court and to perform such duties, except that the number of
38 reporters so appointed shall equal the number of offices of judge provided by law
39 for such court. Such reporters shall hold office during the pleasure of the judges of
40 such court, a majority concurring.

1 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
2 article consisting of Sections 70010-70017. The accompanying Comment said:

3 **Comment.** Sections 70010-70017 are repealed to reflect:

4 (1) Enactment of the Trial Court Employment Protection and Governance Act.
5 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
6 (trial court personnel), 71623 (salaries), 71640-71645 (employment selection and
7 advancement), 71650-71658 (employment protection system), 71673 (authority of
8 court). See also Sections 69941 (appointment of official reporters), 69947
9 (compensation of official reporter).

10 (2) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court
11 Operations Fund). See also Sections [sic] 68086 (fees for reporting services in civil
12 cases generally).

13 There was also an accompanying Note, which explained that provisions relating to county
14 treasuries were being examined by a Joint Court-County Working Group on Trial Court Funding.
15 The Note solicited comment on the proper treatment of such provisions (e.g., Section 70017).

16 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
17 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
18 Comment. However, the tentative recommendation did not specify the content of the proposed
19 new Section 69947.

20 The Commission did not include any reform of Section 69947 or Sections 70010-70017 in its
21 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
22 reporter compensation issues until "stakeholders have resolved the underlying substantive and
23 fiscal issues." *Id.* at 15.

24 Section 70010 was enacted in 1995 and has never been amended.

25 **§ 70011. Appointment of official reporter pro tempore in Orange County**

26 70011. When needed in order that the judicial business of the superior court in
27 such county may be diligently carried on and a particular matter or matters may
28 proceed to trial or hearing without delay, a pro tempore official reporter may be
29 appointed to perform the duties of a phonographic reporter in such matter or
30 matters, or until a regular official reporter becomes available for such service.

31 **Staff Note.** Section 70011 was enacted in 1955 and has never been amended. For further
32 historical information on this section, see the Staff Note accompanying Section 70010.

33 **§ 70012. Compensation of official reporters in Orange County**

34 70012. The regular official phonographic reporters and phonographic reporters
35 pro tempore shall be compensated at the same rate as reporters in counties having
36 a population over 2,000,000.

37 **Staff Note.** Section 70012 has not been amended since 1957. For further historical
38 information on this section, see the Staff Note accompanying Section 70010.

39 **§ 70013. Transcription fees in Orange County**

40 70013. No further fee than that hereinabove provided shall be collected from, or
41 assessed against, any party to any proceeding for the services of a phonographic
42 reporter in taking down in shorthand the testimony and other proceedings in the
43 trial or hearing of any matter as required by law or by order of the court; but a

1 phonographic reporter shall be allowed, and shall receive, unless waived by him,
2 the fees allowed by law for transcribing his shorthand notes of the testimony and
3 proceedings reported by him, and such fees for transcription shall be paid as
4 provided by Sections 69947 to 69953, inclusive, and by any other law of this State
5 pertinent to the case.

6 **Staff Note.** Section 70013 was enacted in 1955 and has never been amended. For further
7 historical information on this section, see the Staff Note accompanying Section 70010.

8 **§ 70014. Manner of payment**

9 70014. The salaries provided for in this article shall be paid in monthly
10 installments out of the salary fund of the county, and shall be allowed and audited
11 in the same manner as for salary demands against the county are required by law
12 to be allowed and audited.

13 **Staff Note.** Section 70014 was enacted in 1955 and has never been amended. For further
14 historical information on this section, see the Staff Note accompanying Section 70010.

15 **§ 70016. Taxation of costs**

16 70016. The fees required by Sections 70015 and 70015.5 shall be taxed as costs
17 in favor of any party paying the same and to whom costs are awarded by the
18 judgment of the court. Such fee shall not be subject to the provisions of Section
19 6103 of the Government Code.

20 **Staff Note.** Section 70016 has not been amended since 1984. For further historical
21 information on this section, see the Staff Note accompanying Section 70010.

22 **§ 70017. Transmittal of funds**

23 70017. The county clerk shall, on or before the first day of each calendar month,
24 transmit to the county treasurer all money paid to him pursuant to this article
25 during the preceding calendar month, or up to the day immediately preceding the
26 day on which he transmits such money, and such money shall be deposited in the
27 salary fund of such county.

28 **Staff Note.** Section 70017 was enacted in 1955 and has never been amended. For further
29 historical information on this section, see the Staff Note accompanying Section 70010.

30 **§ 70025. Official reporters in Riverside County**

31 70025. In Riverside County, the board of supervisors shall fix the salary of
32 regular official reporters, which shall not be less than an annual salary of twenty
33 thousand two hundred ten dollars (\$20,210) and the compensation of official
34 reporters pro tempore, which shall be at a rate not less than seventy-five dollars
35 and twenty-five cents (\$75.25) a day, for reporting in shorthand all proceedings in
36 the superior court as required by law or the order of the superior court.

1 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
2 article consisting of Section 70025. The accompanying Comment said:

3 **Comment.** Sections 70025 is repealed to reflect the enactment of the Trial Court
4 Employment Protection and Governance Act. See Sections 71620 (trial court
5 personnel), 71623 (salaries), 71673 (authority of court). See also Section 69947
6 (compensation of official reporter).

7 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
8 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
9 Comment. However, the tentative recommendation did not specify the content of the proposed
10 new Section 69947.

11 The Commission did not include any reform of Section 69947 or 70025 in its final
12 recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
13 reporter compensation issues until “stakeholders have resolved the underlying substantive and
14 fiscal issues.” *Id.* at 15.

15 Section 70025 has not been amended since 1976.

16 **§ 70040. Determination of population**

17 70040. Unless otherwise specifically provided, the determination of whether a
18 county has the population prescribed in this article shall be made on the basis of
19 the 1950 federal census.

20 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
21 article consisting of Sections 70040-70064. The accompanying Comment said:

22 **Comment.** Sections 70040-70064 are repealed to reflect:

23 (1) Unification of the municipal and superior courts pursuant to Article VI,
24 Section 5(e), of the California Constitution.

25 (2) Enactment of the Trial Court Employment Protection and Governance Act.
26 See Sections 71615(c)(1) (preservation of employees’ job classifications), 71620
27 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
28 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
29 employment benefits not affected), 71640-71645 (employment selection and
30 advancement), 71650-71658 (employment protection system), 71673 (authority of
31 court). See also Sections 68086 (fees for reporting services in civil cases generally),
32 69941 (appointment of official reporters), 69947 (compensation of official reporter).

33 (3) Enactment of Section 69505 (business-related travel expenses of trial court
34 judges and employees).

35 (4) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court
36 Operations Fund). See also Sections [sic] 68086 (fees for reporting services in civil
37 cases generally).

38 There was also an accompanying Note, which explained that provisions relating to county
39 treasuries were being examined by a Joint Court-County Working Group on Trial Court Funding.
40 The Note solicited comment on the proper treatment of such provisions (e.g., Sections 70045.2,
41 70062).

42 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
43 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
44 Comment. However, the tentative recommendation did not specify the content of the proposed
45 new Section 69947.

46 The Commission did not include any reform of Section 69947 or Sections 70040-70064 in its
47 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court

1 reporter compensation issues until “stakeholders have resolved the underlying substantive and
2 fiscal issues.” *Id.* at 15.

3 Section 70040 was enacted in 1953 and has never been amended.

4 **§ 70041. Application of article**

5 70041. Unless otherwise specifically provided, the provisions of this article
6 apply in each county described as follows:

7 (a) A county with a population of 70,000 or less, as determined by the 1940
8 federal census, and having two or more superior court judges.

9 (b) A county with a population of 280,000 and under 285,000.

10 (c) A county with a population of over 295,000 and under 500,000.

11 (d) A county with a population of 500,000 and under 700,000.

12 (e) A county with a population of 700,000 or over.

13 **Staff Note.** Section 70041 applies to the following counties: Alameda, Butte, Contra Costa,
14 Humboldt, Los Angeles, Marin, Merced, San Bernardino, San Diego, San Francisco, Shasta,
15 Solano, Sonoma, and Ventura.

16 Section 70041 was enacted in 1953 and has never been amended. For further historical
17 information on this section, see the Staff Note accompanying Section 70040.

18 **§ 70041.1. Application to Santa Clara County**

19 70041.1. Unless otherwise specifically provided the provisions of this article
20 apply in a county with a population of 290,000 or more and under 295,000.

21 **Staff Note.** Section 70041.1 was enacted in 1955 and has never been amended. For further
22 historical information on this section, see the Staff Note accompanying Section 70040.

23 **§ 70041.5. Application to Napa County**

24 70041.5. Unless otherwise specifically provided, the provisions of this article
25 apply to a county with a population of over 45,000 and under 46,750, as
26 determined on the basis of the 1950 federal census.

27 **Staff Note.** Section 70041.5 was enacted in 1955 and has never been amended. For further
28 historical information on this section, see the Staff Note accompanying Section 70040.

29 **§ 70042. Adoption of procedure for appointment and compensation of official reporters**

30 70042. The provisions of this article are applicable in a county described in
31 subdivisions (a) and (c) of Section 70041 only if the board of supervisors of such
32 county by resolution adopts the procedure for the appointment and compensation
33 of official phonographic reporters provided for in this article.

34 **Staff Note.** Section 70042 was enacted in 1953 and has never been amended. For further
35 historical information on this section, see the Staff Note accompanying Section 70040.

36 **§ 70043. Appointment of official reporters**

37 70043. To assist the court in the transaction of its judicial business by having the
38 duties of phonographic reporters performed, a majority of the judges of the

1 superior court of the county may appoint as many regular official phonographic
2 reporters as necessary to report the proceedings in the court and to perform such
3 duties. The number of reporters so appointed shall not exceed at any one time the
4 number of offices of judge provided by law for the court. The reporters shall hold
5 office during the pleasure of a majority of the judges of the court. The number of
6 reporters and compensation of reporters in counties over 2,000,000 population
7 shall be as provided in Section 69894.1. The number of official reporters in a
8 county of the 2nd class as provided in Section 28023 shall be but shall not exceed
9 at any one time the total number of judges provided by law for the court and the
10 number of referees appointed pursuant to Section 553 of the Welfare and
11 Institutions Code.

12 **Staff Note.** The provision of Government Section 70043 referencing counties with a
13 population over 2,000,000 applies to Los Angeles County. The provision referencing a county of
14 the 2nd class (as of the 1968 amendment) applies to San Diego County.

15 Section 70043 has not been amended since 1968. For further historical information on this
16 section, see the Staff Note accompanying Section 70040.

17 **§ 70044. Appointment of official reporter pro tempore**

18 70044. (a) When needed in order that the judicial business of the superior court
19 in the county may be diligently carried on and a particular matter may proceed to
20 trial or hearing without delay, a pro tempore official reporter may be appointed to
21 perform the duties of a phonographic reporter in that matter, or until a regular
22 official reporter becomes available for that service. A pro tempore official reporter
23 who is present in the courtroom providing that service may be appointed by the
24 presiding judge of the court or the judge presiding in the department where the
25 reporter will serve. If the appointment is made for service in a contested matter, it
26 shall be made only pursuant to a written stipulation of the parties appearing at the
27 trial or hearing or other proceeding to be reported by the pro tempore reporter or
28 pursuant to paragraph (2) of subdivision (d) of Section 68086.

29 (b) A pro tempore official reporter who is licensed as described in Section
30 69942, and who has been appointed a pro tempore official reporter by the court
31 pursuant to Section 69941, and is present in the courtroom may serve in any matter
32 without further order of the court or stipulation of the parties.

33 **Staff Note.** Section 70044 was amended by 2018 Cal. Stat. ch. 497, § 2 (AB 2664 (Holden)).
34 Before that amendment, the section read as follows:

35 70044. When needed in order that the judicial business of the superior court in the
36 county may be diligently carried on and a particular matter may proceed to trial or
37 hearing without delay, a pro tempore official reporter may be appointed to perform the
38 duties of a phonographic reporter in such matter, or until a regular official reporter
39 becomes available for such service. A pro tempore official reporter for such service
40 may be appointed by the presiding judge of the court and the judge presiding in the
41 department where such reporter will serve. If such appointment is made for service in a
42 contested matter, it shall be made only pursuant to a written stipulation of the parties
43 appearing at the trial or hearing or other proceeding to be reported by such pro tempore

1 reporter.

2 A pro tempore official reporter who has passed the test of qualifications and has
3 a certificate thereof on file among the records of the court as prescribed by Section
4 69943, and has been appointed a pro tempore official reporter by a majority of the judges
5 of such court pursuant to Section 69941, may serve in any matter without further
6 order of the court or stipulation of the parties.

7 See 1957 Cal. Stat. ch. 1259, § 2.

8 For further historical information on this section, see the Staff Note accompanying Section
9 70040.

10 **§ 70044.1. Compensation of official reporter in Fresno County**

11 70044.1. In any county having a population of over 250,000 and under 277,000,
12 as determined by the 1950 federal census, the fee for reporting testimony and
13 proceedings in contested cases is thirty-five dollars (\$35) a day, and the fee for
14 reporting each default or uncontested action or proceeding is seven dollars (\$7).

15 The official reporter shall report to the court when ordered to do so by any judge
16 of the court, and when not ordered to so report, the reporter may be employed in
17 his professional capacity elsewhere.

18 **Staff Note.** Section 70044.1 applies to Fresno County.

19 Section 70044.1 was enacted in 1961 and has never been amended. For further historical
20 information on this section, see the Staff Note accompanying Section 70040.

21 **§ 70044.5. Official reporters in San Mateo County**

22 70044.5. In San Mateo County, official reporters shall be appointed by the
23 judges of the consolidated superior and municipal courts pursuant to the provisions
24 of Section 70043 or 72194 and shall serve at the pleasure of the judges.

25 (a) The biweekly salary of each regular official reporter for the performance of
26 duties required of each such reporter by law shall be at the rates specified in salary
27 range number 3007 of the salary schedule set forth in Section 73525.

28 At the time each reporter is hired, the salary of that reporter shall be fixed in the
29 same manner as provided for classified or unclassified employees of the county
30 under the authority of the county charter. A step advancement from step A to step
31 B may be granted on the first day of the pay period following the completion of 26
32 full weeks of service in the position. A person may advance to steps C, D, and E
33 upon completion of successive 52-week periods of service. All merit increases as
34 provided herein shall be made at the determination of the judges of the court.

35 In addition to new employees, the salaries herein provided for shall be
36 applicable to regular official reporters employed by the county on the effective
37 date of this section and for the purpose of determining the salaries to be paid after
38 this section becomes effective, all years of service rendered by reporters to the
39 county prior to the effective date of this section shall be counted in determining
40 the salary to which they are entitled under the salary schedule above mentioned.

41 The per diem compensation for pro tempore reporters shall be one-tenth of step
42 E in the appropriate biweekly salary range established for official reporters,

1 provided, however, that that rate of per diem compensation shall be prorated on
2 the basis of one-half day of compensation if the pro tempore reporter renders only
3 one-half day of service.

4 Vacation allowances and sick leave allowances for official reporters shall be the
5 same as provided for classified or unclassified employees of the county under the
6 authority of the county charter.

7 (b) If the Board of Supervisors of San Mateo County provides by ordinance or
8 by agreement pursuant to Chapter 10 (commencing with Section 3500) of Division
9 4 of Title 1, for a rate of compensation which is higher than that provided by
10 subdivision (a), the higher rate of compensation shall be effective at the same time
11 and in the same manner as other rates of pay for San Mateo County employees
12 generally. Those higher rates shall be payable by the county in the same manner
13 and from the same funds as other salary demands against the county. Any change
14 in compensation made pursuant to this subdivision shall be on an interim basis and
15 shall expire on January 1 after the adjournment of the next regular session of the
16 Legislature unless ratified or superseded by a statute enacted at the session.

17 (c) During the hours which the court is open for the transaction of judicial
18 business, official reporters shall devote full time to the performance of the duties
19 required of them by law and shall not engage in or solicit to engage in any other
20 employment in their professional capacity.

21 Each official reporter shall perform the duties required of him or her by law. In
22 addition, he or she shall render stenographic or clerical assistance, or both, to the
23 judge or judges of the consolidated superior and municipal courts as the judge or
24 judges may direct.

25 **Staff Note.** Section 70044.5 has not been amended since 1998. For further historical
26 information on this section, see the Staff Note accompanying Section 70040.

27 **§ 70045. Compensation of official reporters in Butte, Humboldt, Marin, Merced, Shasta,**
28 **Solano, Sonoma, and Ventura Counties**

29 70045. In a county having a population of 70,000 or less, as determined by the
30 1940 federal census, and having two or more superior court judges, each regular
31 official reporter shall be paid an annual salary of four thousand two hundred
32 dollars (\$4,200), and each pro tempore official reporter shall be paid fifteen dollars
33 (\$15) a day for the days he actually is on duty under order of the court.

34 **Staff Note.** Section 70045 applies to the following counties: Butte, Humboldt, Marin,
35 Merced, Shasta, Solano, Sonoma, and Ventura.

36 Section 70045 was enacted in 1953 and has never been amended. For further historical
37 information on this section, see the Staff Note accompanying Section 70040.

38 **§ 70045.1. Compensation of official reporters in Trinity County**

39 70045.1. Notwithstanding the provisions of Section 70045 of this code, in
40 Trinity County, each regular official court reporter shall receive an annual salary
41 of ten thousand dollars (\$10,000) unless the board of supervisors shall by

1 ordinance provide for compensation in excess of that amount, payable in monthly
2 installments out of the salary fund of the county, for the reporting and taking notes
3 in criminal cases and juvenile court cases in the superior court, and in preliminary
4 examinations of those accused of crime before magistrates, and of proceedings
5 before the grand jury and at coroner's inquests when requested by the coroner, and
6 for other services such reporters shall receive the fees provided for in Article 9
7 (commencing with Section 69941) of Chapter 5 of Title 8, such fees in civil cases
8 to be paid by the litigants as provided by law.

9 Reporters pro tempore may be paid a per diem of seventy-five dollars (\$75) as
10 provided in Section 69948 and other fees set forth in Article 9 (commencing with
11 Section 69941) of Chapter 5 of Title 8, and shall receive from the county their
12 necessary traveling and other expenses when necessarily called from other
13 counties, but a reporter pro tempore shall be paid a per diem or expenses by the
14 county only when the regular official court reporters are occupied in the superior
15 court, or at preliminary examinations, grand jury hearings or coroner's inquests.

16 The board of supervisors of such a county may provide the court reporters with
17 equipment for the performance of their duties.

18 **Staff Note.** Section 70045.1 has not been amended since 1979. For further historical
19 information on this section, see the Staff Note accompanying Section 70040.

20 **§ 70045.2. Official reporters in Modoc County**

21 70045.2. Notwithstanding Section 70045, in Modoc County each regular official
22 court reporter shall receive an annual salary to be determined by ordinance by the
23 board of supervisors, payable in monthly installments out of the salary fund of the
24 county, for the reporting and taking notes in criminal cases and juvenile court
25 cases in the superior court, and in preliminary examination of those accused of
26 crime before magistrates, and of proceedings before the grand jury and at
27 coroner's inquests when requested by the coroner.

28 In Modoc County, reporters pro tempore shall be paid a per diem, as set by law,
29 and shall receive from the county their necessary traveling and other expenses
30 when called from other counties. However, a reporter pro tempore shall be paid a
31 per diem or expenses by the county only when the regular official court reporters
32 are occupied in the superior court, or at preliminary examinations, grand jury
33 hearings, or coroner's inquests.

34 For all reporter's services in Modoc County in civil cases as set forth in Article
35 9 (commencing with Section 69941) of Chapter 5 of Title 8, litigants shall pay
36 such fees as are provided by law to the county clerk for deposit in the county
37 general fund.

38 The Board of Supervisors of Modoc County may provide court reporters with
39 equipment for the performance of their duties.

1 **Staff Note.** Section 70045.2 was enacted in 1987 and has never been amended. For further
2 historical information on this section, see the Staff Note accompanying Section 70040.

3 **§ 70045.4. Official reporters in Merced County**

4 70045.4. Notwithstanding the provisions of Section 70045 or any other
5 provision of this article, in Merced County:

6 (a) The regular full-time official court reporters shall perform the following
7 duties:

8 (1) Report all criminal proceedings in the superior court.

9 (2) Report all civil commitment proceedings and all contempt proceedings in the
10 superior court.

11 (3) Report all juvenile proceedings in the superior court other than those heard
12 by a juvenile court referee or traffic hearing officer.

13 (4) Report all family law proceedings in the superior court.

14 (5) Report all civil jury trials in the superior court.

15 (6) Report all hearings on petitions for extraordinary relief, including but not
16 limited to proceedings for injunctions, mandate, prohibition, certiorari, review,
17 habeas corpus, and coram nobis in the superior court.

18 (7) Report any other court proceedings in the superior court when a party
19 requests a court reporter in accordance with the rules of court.

20 (8) Report all criminal proceedings of the grand jury.

21 (9) Report proceedings for the board of equalization, when requested by the
22 board.

23 (b) Each regular full-time court reporter shall be paid an annual salary of sixteen
24 thousand seven hundred thirty-five dollars and ninety-four cents (\$16,735.94),
25 unless the board of supervisors of the county provides for compensation in excess
26 of that amount.

27 The foregoing salary is for compensation for reporting services under
28 subdivision (a). For all transcriptions incident to reporting services, each reporter
29 shall receive the fees provided for in Article 9 (commencing with Section 69941).

30 The regular full-time official court reporters shall be entitled to the same
31 privileges with respect to group insurance and retirement as other employees of
32 that county. Retirement contributions shall be based upon the annual salary
33 provided for in subdivision (b).

34 The salary range of official court reporters may be adjusted by joint action and
35 approval of the board of supervisors and a majority of the judges of the superior
36 court. Those changes in compensation made pursuant to this provision shall be on
37 an interim basis and shall expire January 1 following adjournment of the next
38 regular session of the Legislature unless ratified at that session.

39 (c) When the regular full-time official court reporters are occupied in the
40 performance of their duties and services pursuant to the provisions of subdivision
41 (a), the judge or judges of the superior court may appoint as many additional
42 official court reporters, who shall be known as official reporters pro tempore, as

1 the business of the courts and county may require, in order that the business of the
2 courts and county may be carried on without delay. They shall be paid in
3 accordance with the per diem, transcription, and other fee provisions of Article 9
4 (commencing with Section 69941). That per diem, traveling and other expenses,
5 and the fees chargeable to the county under the terms of these provisions shall be a
6 proper county charge.

7 **Staff Note.** Section 70045.4 has not been amended since 1992. For further historical
8 information on this section, see the Staff Note accompanying Section 70040.

9 **§ 70045.5. Official reporters in Imperial County**

10 70045.5. In a county with a population of 74,492 and not over 76,000 as
11 determined by the 1970 federal census, each regular official reporter shall be paid
12 an annual salary of twenty-one thousand seven hundred dollars (\$21,700) and each
13 pro tempore official court reporter shall be paid seventy dollars (\$70) a day for the
14 days he is actually on duty under order of the court.

15 Notwithstanding any other provision to the contrary, one year after the operative
16 date of this section and thereafter, the salary range of official court reporters may
17 be adjusted by joint action and approval of the board of supervisors and a majority
18 of the judges of the superior court. Such changes in compensation made pursuant
19 to these provisions shall be on an interim basis and shall expire on January 1 of the
20 second year after the calendar year in which the change occurs, unless ratified by
21 the Legislature.

22 The presiding judge of the superior court may, upon request of the presiding
23 judge of the municipal court, assign an official superior court reporter to the
24 municipal court during such times as the business of the municipal court requires.
25 Official superior court reporters who are so assigned shall receive no additional
26 compensation for such service.

27 Regular official reporters shall be entitled to the same privileges with respect to
28 retirement, vacation, sick leave and other benefits allowed to employees of the
29 county.

30 Each official reporter shall perform the duties required of him by law. In
31 addition, reporters shall render stenographic or clerical assistance, or both, to the
32 judges of the superior court, as any such judge may direct.

33 **Staff Note.** Section 70045.5 applies to Imperial County.
34 Section 70045.5 has not been amended since 1980. For further historical information on this
35 section, see the Staff Note accompanying Section 70040.

36 **§ 70045.6. Official reporters in Kern County**

37 70045.6. (a) In Kern County each regular reporter shall be paid the biweekly
38 salary specified in range 52.4 of the salary schedule. The court reporter shall be
39 paid biweekly pursuant to the payroll procedures in effect in the County of Kern.

1 (b) Beginning January 1, 1980, the board of supervisors may adjust the salary of
2 each regular official reporter as part of its county employee compensation plan.
3 Any adjustment to reporter salaries shall be effective on the same date as the
4 effective date of the board's action to adjust compensation of other county
5 employees. Any adjustment shall be effective only until January 1 of the second
6 year following the year in which the adjustment is made, unless ratified by the
7 Legislature.

8 (c) In addition to the compensation provided for in this section, each regular
9 official reporter shall be entitled to and shall receive, on the same basis as other
10 county employees, the same benefits and privileges with respect to retirement,
11 group insurance, sick leave, and vacations. Court reporters shall observe the same
12 holidays as other court employees. For the purposes of determining participation in
13 the county retirement system, the salary provided for such reporters in this section
14 shall be deemed their entire compensation.

15 (d) Each pro tempore official reporter shall be paid one hundred fifty dollars
16 (\$150) a day for the days he or she is actually on duty under order of the court.

17 **Staff Note.** Section 70045.6 has not been amended since 1991. For further historical
18 information on this section, see the Staff Note accompanying Section 70040.

19 **§ 70045.7. Official reporters in Napa County**

20 70045.7. In Napa County, each regular official reporter shall be paid an annual
21 salary of twenty-five thousand dollars (\$25,000), and each pro tempore official
22 reporter shall be paid one hundred ten dollars (\$110) a day for the days he actually
23 is on duty under order of the court. However, the board of supervisors, by
24 ordinance, may establish a higher annual salary for each regular official reporter or
25 a higher per diem for each pro tempore official reporter, or both.

26 **Staff Note.** Section 70045.7 has not been amended since 1987. For further historical
27 information on this section, see the Staff Note accompanying Section 70040.

28 **§ 70045.75. Official reporters in Nevada County**

29 70045.75. Notwithstanding any other provision of law including, but not limited
30 to, Sections 70040, 70041, 70042, and 70045, the following provisions shall be
31 applicable to the full-time official court reporters, if any, in Nevada County:

32 (a) The regular full-time official court reporters shall perform the following
33 duties:

34 (1) Report all criminal proceedings.

35 (2) Report all civil commitment proceedings and all contempt proceedings.

36 (3) Report all juvenile proceedings, other than those heard by a juvenile court
37 referee or traffic hearing officer.

38 (4) Report all family law proceedings.

39 (5) Report all civil jury trials.

1 (6) Report all hearings on petitions for extraordinary relief, including but not
 2 limited to, proceedings for injunctions, mandate, prohibition, certiorari review,
 3 habeas corpus, and coram nobis.

4 (7) Report all proceedings of the grand jury when requested by the foreman, or
 5 by the district attorney or by the county counsel.

6 (8) Report any other court proceedings when a party requests a court reporter in
 7 accordance with rules of the court.

8 (9) Report the preliminary examination of those accused of crimes before
 9 magistrates within Nevada County. Report coroner’s inquests when requested by
 10 coroner.

11 (b) Each regular full-time court reporter shall be paid at a monthly salary rate
 12 established according to the following salary schedule:

(Range)		(Month)	(Annual)
Step	A	\$1,271	\$15,246
Step	B	1,334	16,012
Step	C	1,400	16,804
Step	D	1,471	17,648
Step	E	1,546	18,546

13 Each such reporter shall receive a monthly salary under the schedule
 14 corresponding to the length of time that as an official court reporter he has been
 15 included within either directly or indirectly by contract the Public Employees’
 16 Retirement System of the State of California. Except as provided herein, the initial
 17 hiring rate for each position shall be step A; provided further, however, the judges
 18 of the superior court may appoint any such court reporter at a higher initial step if
 19 in the opinion of the judges of the superior court an individual to be appointed has
 20 such experience and qualifications as to entitle that individual to such higher initial
 21 step. A step advancement from step A to step B may be granted on the first day of
 22 the month following the completion of six full months of service in the position. A
 23 person may advance to steps C, D, and E upon completion of successive 12-month
 24 periods of service. All merit increases as provided herein shall be made at the
 25 determination of the judges of the superior court.

26 The foregoing salary is for compensation for reporting services in the superior
 27 court under subdivision (a) of this section. For all transcriptions incident to
 28 reporting services, each reporter shall receive the fees provided for in Article 9
 29 (commencing with Section 69941) of this chapter.

1 In the event a cost-of-living increase is given to the employees of Nevada
2 County on or after July 1, 1979, the aforementioned salary schedule shall be
3 deemed amended so as to give the court reporters the same cost-of-living increase
4 as is given Nevada County employees.

5 The regular full-time official court reporters shall be entitled to the same
6 privileges with respect to retirement, vacation, sick leave, and group insurance,
7 which either now or hereafter may be provided by ordinance to other employees of
8 the county.

9 (c) When the regular full-time official court reporters are occupied in the
10 performance of their duties and services pursuant to the provisions of subdivision
11 (a), the judge or judges of the superior court may appoint as many additional
12 official court reporters, who shall be known as official reporters pro tempore, as
13 the business of the courts may require in order that the judicial business of the
14 court in such county may be carried on without delay. They shall be paid in
15 accordance with the per diem, transcription, and other fee provisions of Article 9
16 (commencing with Section 69941) of this chapter. Such per diem, traveling and
17 other expenses, and the fees chargeable to the county under the terms of these
18 provisions shall be a proper county charge.

19 **Staff Note.** Section 70045.75 has not been amended since 1980. For further historical
20 information on this section, see the Staff Note accompanying Section 70040.

21 **§ 70045.77. Official reporters in El Dorado County**

22 70045.77. Notwithstanding any other provision of law, including, but not limited
23 to, Sections 70040, 70041, 70042, and 70045, the following provisions shall be
24 applicable to the full-time official court reporters, if any, in El Dorado County:

25 (a) The regular full-time official court reporters shall perform the following
26 duties:

27 (1) Report all criminal proceedings.

28 (2) Report all civil commitment proceedings and all contempt proceedings.

29 (3) Report all juvenile proceedings, other than those heard by a juvenile court
30 referee or traffic hearing officer.

31 (4) Report all family law proceedings.

32 (5) Report all civil jury trials.

33 (6) Report all hearings on petitions for extraordinary relief, including, but not
34 limited to, proceedings for injunctions, mandate, prohibition, certiorari, review,
35 habeas corpus, and coram nobis.

36 (7) Report all proceedings of the grand jury when requested by the foreman, or
37 by the district attorney or by the county counsel.

38 (8) Report any other court proceedings when a party requests a court reporter in
39 accordance with rules of the court.

40 (9) Report the preliminary examination of those accused of crimes before
41 magistrates within El Dorado County.

1 (10) Report coroner's inquests when requested by the coroner.

2 (11) Report proceedings for the El Dorado County Board of Equalization when
3 requested by the board.

4 (b) The regular full-time official court reporter shall be compensated at a range
5 recommended by the judges of the superior court and approved by the board of
6 supervisors by ordinance or resolution.

7 The foregoing salary is for compensation for reporting services in the superior
8 court under subdivision (a) of this section. For all transcriptions incident to
9 reporting services, each reporter shall receive the fees provided for in Article 9
10 (commencing with Section 69941) of this chapter.

11 The regular full-time official court reporters shall be entitled to the same
12 privileges with respect to retirement, vacation, sick leave, and group insurance,
13 which either now or hereafter may be provided by ordinance to other employees of
14 the county.

15 (c) When the regular full-time official court reporters are occupied in the
16 performance of their duties and services pursuant to the provisions of subdivision
17 (a), the judge or judges of the superior court may appoint as many additional
18 official court reporters, who shall be known as official reporters pro tempore, as
19 the business of the courts may require in order that the judicial business of the
20 court in such county may be carried on without delay. They shall be paid in
21 accordance with the per diem, transcription, and other fee provisions of Article 9
22 (commencing with Section 69941) of this chapter. Such per diem, traveling and
23 other expenses, and the fees chargeable to the county under the terms of these
24 provisions shall be a proper county charge.

25 **Staff Note.** Section 70045.77 has not been amended since 1993. For further historical
26 information on this section, see the Staff Note accompanying Section 70040.

27 **§ 70045.8. Official reporters in Butte County**

28 70045.8. (a) Notwithstanding any other provision of law, including, but not
29 limited to, Sections 70040, 70041, 70042, and 70045, the following provisions
30 shall be applicable to the official court reporters in Butte County Superior Court:

31 (1) The regular full-time official court reporters under the direction of the
32 presiding judge of the superior court shall perform the following duties:

33 (A) Report all criminal proceedings.

34 (B) Report all civil commitment proceedings and all contempt proceedings.

35 (C) Report all juvenile proceedings other than those heard by juvenile court
36 referee or traffic hearing officer.

37 (D) Report all civil jury trials.

38 (E) Report all hearings on petitions for extraordinary relief, including, but not
39 limited to, proceedings for injunctions, mandate, prohibition, certiorari, review,
40 habeas corpus, and coram nobis.

1 (F) Report all proceedings of the grand jury when requested by the foreman, or
2 by the district attorney or by the county counsel.

3 (G) Report any other court proceedings when a party requests a court reporter in
4 accordance with rules of court.

5 (H) Report coroner's inquests when requested by the coroner.

6 (I) Report proceedings for the Butte County Board of Equalization when
7 requested by the board.

8 (J) When not occupied with the above duties, and upon request of a presiding
9 judge of the municipal court and approval of the presiding judge of the superior
10 court, he or she shall report matters listed under paragraph (1) of subdivision (b).

11 (b) Notwithstanding any other provision of law, including, but not limited to,
12 Sections 70040, 70041, 70042, and 70045, the following provisions shall be
13 applicable to the official court reporters in the Butte County Municipal Courts:

14 (1) The regular full-time official municipal court reporters under the direction of
15 the presiding judges of the municipal courts shall perform the following duties:

16 (A) Report the preliminary examination of those accused of crimes before
17 magistrates within Butte County.

18 (B) Report all felony pleas.

19 (C) Report any other court proceeding as required by law.

20 (D) When not occupied with the above duties, and upon request of the presiding
21 judge of the superior court and approval of a presiding judge of the municipal
22 court, he or she shall report matters listed under paragraph (1) of subdivision (a)
23 above.

24 (c) The board of supervisors shall, by ordinance, specify the salary rates for
25 official court reporters in Butte County.

26 In addition to the aforementioned compensation, each official court reporter
27 shall receive twenty-five dollars (\$25) per month as reimbursement for the cost of
28 necessary supplies.

29 The foregoing salary established pursuant to county ordinance is for
30 compensation for reporting services in the superior and municipal courts under
31 subdivisions (a) and (b) of this section. For all transcriptions incident to reporting
32 services, each reporter shall receive the fees provided for in Article 9
33 (commencing with Section 69941) of this chapter.

34 The regular full-time official court reporters shall be entitled to the same
35 privileges with respect to retirement, vacation, sick leave, and group insurance,
36 which either now or hereafter may be provided by ordinance to other employees of
37 the county.

38 (d) When the regular full-time official court reporters are occupied in the
39 performance of their duties and services pursuant to subdivisions (a) and (b), the
40 judge or judges of the superior and municipal courts may appoint as many
41 additional official court reporters, who shall be known as official reporters pro
42 tempore, as the business of the courts may require in order that the judicial

1 business of the courts in the county may be carried on without delay. They shall be
2 paid in accordance with the per diem, transcription, and other fee provisions of
3 Article 9 (commencing with Section 69941) of this chapter. The per diem,
4 traveling and other expenses, and the fees chargeable to the county under the terms
5 of these provisions shall be a proper county charge.

6 **Staff Note.** Section 70045.8 has not been amended since 1990. For further historical
7 information on this section, see the Staff Note accompanying Section 70040.

8 **§ 70045.9. Official reporters in Shasta County**

9 70045.9. Notwithstanding any other provision of law, the provisions of this
10 section shall apply to the official court reporters in Shasta County:

11 (a) The regular full-time official court reporters shall perform the following
12 duties:

13 (1) Report all criminal proceedings in superior court.

14 (2) Report all juvenile proceedings other than those heard by juvenile court
15 referee or traffic hearing officer.

16 (3) Report all civil jury trials in superior court, unless the court determines it is
17 not required.

18 (4) Report any other proceeding in the superior court at the request of the judge
19 of the superior court.

20 (5) Report any superior court proceeding when a party requests a court reporter
21 in accordance with the rules of court.

22 (6) Report all criminal investigations of the grand jury, when requested by the
23 foreman, or by the district attorney.

24 (7) Report the preliminary examination of those accused of crime before
25 magistrates or municipal court judges within Shasta County, or before both.

26 (8) Report coroner's inquests, when requested by the coroner.

27 (9) Report hearings of the Board of Equalization of the County of Shasta, as
28 requested by that board.

29 (10) Other reporting or related services, as directed by the judges of the superior
30 court.

31 (11) When not occupied with the above duties, and upon request of the board of
32 supervisors and approval of the presiding judge of the superior court, he or she
33 shall report matters before the board of supervisors.

34 (b) Each regular full-time court reporter shall be paid a monthly salary of one
35 thousand four hundred seventy dollars (\$1,470), unless the Board of Supervisors
36 of Shasta County provides for compensation in excess of that amount, in which
37 event the amount set shall apply. The salary is for compensation for reporting
38 services set forth under subdivision (a). For all transcriptions incident to reporting
39 services, each reporter shall receive the fees provided for in Article 9
40 (commencing with Section 69941).

1 The regular full-time official court reporters shall be entitled to the same
2 privileges with respect to retirement, vacation (upon approval of judge to whom
3 assigned), sick leave, and group insurance, which either now or hereafter may be
4 provided by ordinance or resolution to other comparable employees of the County
5 of Shasta.

6 (c) When the regular full-time official court reporters are occupied in the
7 performance of their duties and services pursuant to the provisions of subdivision
8 (a), the judge or judges of the superior court may appoint as many additional
9 official court reporters, who shall be known as official reporters pro tempore, as
10 the business of the courts may require in order that the judicial business of the
11 court may be carried on without delay. In the event the board of supervisors has
12 entered into a contract for supplemental reporter services with a qualified person
13 or persons first approved by the presiding judge of the superior court, the person
14 or persons shall be appointed as reporter pro tempore. However, if the person or
15 persons are not reasonably available, the judge may appoint any qualified person.
16 Notwithstanding other provisions of this section, when an assignment of a pro
17 tempore reporter is made to proceedings in the superior court, the assignment shall
18 be deemed to run to the completion of the proceeding.

19 Reporters pro tempore shall be paid in accordance with the contract with the
20 board of supervisors or, in absence thereof, with the per diem, transcription, and
21 other fee provisions of Article 9 (commencing with Section 69941). Such per
22 diem, traveling and other expenses, and the fees chargeable to the county under
23 the terms of these provisions shall be a proper county charge.

24 (d) During the hours during which the court is open as prescribed by the Shasta
25 County Superior Court for the transaction of judicial business, official court
26 reporters shall devote full time to the performance of the duties required of them
27 by law and shall not engage or solicit to engage in any other employment in their
28 professional capacity.

29 (e) Court reporters pro tempore serving in the superior and municipal courts
30 shall receive a per diem equal to the base wage of the official court reporter for an
31 eight-hour day, excluding benefits. This fee shall be adjusted by the same, general
32 across-the-board salary adjustment enacted by the county in any salary ordinance
33 applicable to official court reporters. For services of less than four hours in any
34 day, the pro tempore reporter will receive a per diem equal to 65 percent of the
35 base wage.

36 **Staff Note.** Section 70045.9 has not been amended since 1992. For further historical
37 information on this section, see the Staff Note accompanying Section 70040.

38 **§ 70045.10. Official reporters in Tehama County**

39 70045.10. Notwithstanding any other provision of law, the provisions of this
40 section shall apply to the official court reporters in Tehama County.

1 (a) The regular full-time official court reporters shall perform the following
2 duties:

3 (1) Report all criminal proceedings in superior court.

4 (2) Report all juvenile proceedings other than those heard by the juvenile court
5 referee or traffic hearing officer.

6 (3) Report all civil jury trials in superior court, unless the court determines it is
7 not required.

8 (4) Report any other proceeding in the superior court at the request of the judge
9 of the superior court.

10 (5) Report any superior court proceeding when a party requests a court reporter
11 in accordance with the rules of court.

12 (6) Report all criminal investigations of the grand jury, when requested by the
13 foreman or the district attorney.

14 (7) Report the preliminary examination of those accused of crime before
15 magistrates or municipal court judges within Tehama County, or both.

16 (8) Report coroner's inquests, when requested by the coroner.

17 (9) Report hearings of the Board of Equalization of the County of Tehama, as
18 requested by that board.

19 (10) Other reporting or related services, as directed by the judges of the superior
20 court.

21 (11) When not occupied with the above duties, and upon request of the board of
22 supervisors and approval of the presiding judge of the superior court, they shall
23 report matters before the board of supervisors.

24 (12) Such other duties as are required to insure the provision of court reporter
25 services.

26 (b) Each regular full-time court reporter shall be paid a monthly salary of two
27 thousand two hundred sixty-seven dollars (\$2,267), unless the Board of
28 Supervisors of Tehama County, by ordinance, provides for compensation in excess
29 of that amount, in which event the compensation set by ordinance shall apply. The
30 salary is for compensation for reporting services set forth under subdivision (a).
31 For all transcriptions incident to reporting services, each reporter shall receive the
32 fees provided for in Article 9 (commencing with Section 69941).

33 The regular, full-time official court reporters shall be entitled the same
34 privileges with respect to retirement, vacation (upon approval of judge to whom
35 assigned), sick leave, and group insurance, which either is now, or hereafter may
36 be, provided by ordinance to other comparable employees of the County of
37 Tehama.

38 For retirement credit purposes, compensation earnable shall be deemed to be the
39 annual total of all salary and transcription fees paid by the County of Tehama to
40 each regular official reporter up to a maximum of thirty-five thousand dollars
41 (\$35,000).

1 (c) When the regular full-time official court reporters are occupied in the
2 performance of their duties and services pursuant to the provisions of subdivision
3 (a), the judge or judges of the superior court may appoint as many additional
4 official court reporters, who shall be known as official reporters pro tempore, as
5 the business of the court may be carried on without delay. Notwithstanding other
6 provisions of this section, when an assignment of a pro tempore reporter is made
7 to proceedings in the superior court, the assignment shall be deemed to run to the
8 completion of the proceeding.

9 Reporters pro tempore shall be paid in accordance with the rate of compensation
10 as set by the board of supervisors. For all transcriptions incident to reporting
11 services, each reporter shall receive the fees provided for in Article 9
12 (commencing with Section 69941). The per diem, traveling and other expenses,
13 and the fees chargeable to the county under the terms of these provisions shall be a
14 proper county charge.

15 (d) During the hours during which the court is open, as prescribed by the
16 Tehama County Superior Court for the transaction of judicial business, official
17 court reporters shall devote full time to the performance of the duties required of
18 them by law and shall not engage, or solicit to engage, in any other employment in
19 their professional capacity unless otherwise excused by a judge of the superior
20 court.

21 If the official court reporter or a pro tempore reporter serves past 5:30 p.m., he
22 or she shall receive an additional fee equal to one-half the per diem rate
23 established by the board of supervisors. If the official court reporter or a pro
24 tempore reporter serves past 8:30 p.m., he or she shall receive a second additional
25 fee equal to one-half the per diem rate. Accumulation of hours in a given day shall
26 be without regard as to the number of courts in which the reporter provides
27 reporting service.

28 In order that the salary provided for regular full-time official court reporters
29 shall remain equitable and competitive, the salary herein provided for shall be
30 adjusted and increased by the same salary adjustment percentage for the
31 classification entitled the superior court clerk enacted on or before July 1, 1985, by
32 the County of Tehama.

33 **Staff Note.** Section 70045.10 was enacted in 1985 and has never been amended. For further
34 historical information on this section, see the Staff Note accompanying Section 70040.

35 **§ 70045.11. Compensation of official reporters in Sutter County**

36 70045.11. In lieu of the compensation provided for in Section 69948, the Board
37 of Supervisors of Sutter County may, with the approval of the presiding judge of
38 the superior court, contract with official court reporters, and reporters pro tempore,
39 for the superior court with respect to the fee for reporting testimony and
40 proceedings in contested cases, per diem, and traveling and other expenses, which
41 shall be a proper county charge.

1 **Staff Note.** Section 70045.11 was enacted in 1988 and has never been amended. For further
2 historical information on this section, see the Staff Note accompanying Section 70040.

3 **§ 70045.12. Official reporters in Madera County**

4 70045.12. Notwithstanding any other provision of law, the following provisions
5 shall be applicable to the official court reporters in the superior court and
6 municipal courts of Madera County:

7 (a) In Madera County, official court reporters shall be appointed by the judges
8 of the superior court pursuant to Section 70043 and shall serve at the pleasure of
9 the judges. Official reporters shall perform the duties required of them by law. In
10 addition, they shall render assistance to the judge or judges of the superior court as
11 the judge or judges may direct.

12 (b) In Madera County, official court reporters shall be appointed by the judges
13 of the municipal court pursuant to Section 72194 and shall serve at the pleasure of
14 the judges. Official reporters shall perform the duties required of them by law. In
15 addition, they shall render assistance to the judge or judges of the municipal court
16 as the judge or judges may direct.

17 (c) Notwithstanding any other provision of law, the salary and benefits for
18 official court reporters in Madera County shall be determined pursuant to Section
19 69908.

20 (d) When the regular full-time official court reporters are occupied in the
21 performance of their duties and services pursuant to this statute, the judge or
22 judges of the superior court and the municipal court may appoint as many
23 additional official court reporters, who shall be known as official reporters pro
24 tempore, as the business of the courts may require in order that the judicial
25 business of the courts in the county may be carried on without delay. They shall be
26 paid in accordance with the per diem, transcription, and other fee provisions of
27 Article 9 (commencing with Section 69941) of this chapter. The per diem,
28 traveling, and other expenses, and the fees chargeable to the county under the
29 terms of these provisions are a proper county charge.

30 (e) Official court reporters shall devote full time to the performance of the duties
31 required of them by law and may not engage or solicit to engage in any other
32 employment in their professional capacity during the normal workday.

33 **Staff Note.** Section 70045.12 was enacted in 1990 and has never been amended. For further
34 historical information on this section, see the Staff Note accompanying Section 70040.

35 **§ 70046. Official reporters in San Bernardino County**

36 70046. In San Bernardino County, the board of supervisors shall fix the salary of
37 regular official reporters, which shall not be less than an annual salary of twenty
38 thousand two hundred ten dollars (\$20,210) and the compensation of official
39 reporters pro tempore, which shall be at a rate not less than seventy-five dollars
40 and twenty-five cents (\$75.25) a day.

1 During the hours which the court is open for the transaction of judicial business,
2 official reporters shall devote full time to the performance of the duties required of
3 them by law and shall not engage in or solicit to engage in any other employment
4 in their professional capacity.

5 **Staff Note.** Section 70046 has not been amended since 1976. For further historical
6 information on this section, see the Staff Note accompanying Section 70040.

7 **§ 70046.1. Official reporters in Santa Clara County**

8 70046.1. In Santa Clara County, the board of supervisors shall fix the salary of
9 regular official reporters, which shall not be less than a biweekly salary of one
10 thousand seven hundred eighty-four dollars and forty cents (\$1,784.40), and the
11 compensation of official reporters pro tempore, which shall be at a rate not less
12 than ninety-eight dollars and fourteen cents (\$98.14) per half day and one hundred
13 ninety-six dollars and twenty-eight cents (\$196.28) per day.

14 During the hours that the court is open for the transaction of judicial business,
15 official reporters shall devote full time to the performance of the duties required of
16 them by law and shall not engage in or solicit to engage in any other employment
17 in their professional capacity.

18 **Staff Note.** Section 70046.1 has not been amended since 1991. For further historical
19 information on this section, see the Staff Note accompanying Section 70040.

20 **§ 70046.2. Compensation of official reporters in Fresno County**

21 70046.2. (a) In Fresno County, the compensation of each regular official court
22 reporter shall be determined through the collective bargaining process.

23 (b) For the purposes of retirement, the compensation of each regular official
24 court reporter shall be deemed to be the total of all per diem and transcription fees
25 paid by the county or court to that regular official court reporter for all reporting
26 services, plus his or her salary.

27 **Staff Note.** Section 70046.2 (shown above) was enacted by 2006 Cal. Stat. ch. 846, § 7 (AB
28 2863 (Karnette)). Another Section 70046.2 on the same subject was enacted in 1963, amended
29 many times, and repealed by 2003 Cal. Stat. ch. 592, § 6 (SB 256 (Escutia)).

30 When it was repealed, former Section 70046.2 read as follows:

31 70046.2. (a) In Fresno County, each reporter shall be paid an annual salary established
32 according to the following salary schedule:

33 Step 1. \$44,045

34 Step 2. \$46,252

35 Step 3. \$48,541

36 Step 4. \$50,969

37 Reporters shall initially be placed at step 1 of the salary schedule except reporters may

1 be placed at a higher step with the approval of the county administrative officer,
2 and shall advance one step annually upon the anniversary date of the employment. If,
3 because of recruitment difficulties, it is necessary to appoint a court reporter at a step of
4 the salary schedule which is above the step at which any court reporters are
5 currently employed, all court reporters below that step will move to the higher step at
6 the discretion of the judges of the court.

7 (b) Each pro tempore reporter shall be paid one hundred and sixty-nine dollars and
8 forty cents (\$169.40) for a full day on duty under order of the court. For purposes of
9 receiving the above compensation, one or more of the following shall apply:

10 (1) The court has indicated in advance that the pro tempore assignment is for a full
11 day.

12 (2) The pro tempore reporter, having accepted a full-day assignment, has not
13 voluntarily relinquished his or her services at or before the end of four hours of service.

14 (3) The pro tempore reporter was on duty for more than four hours.

15 Each pro tempore reporter shall be paid one hundred twelve dollars and ninety-three
16 cents (\$112.93) for one-half day of duty under order of the court when (a) the court has
17 indicated in advance that the pro tempore assignment is for a half day and the pro
18 tempore reporter is on duty for four hours or less, generally exclusive of the noon recess;
19 or (b) the court has indicated in advance that the pro tempore assignment is for a full day
20 but the pro tempore reporter is on duty for four hours or less and consents to being
21 released for the balance of the day.

22 Where a pro tempore reporter has agreed to a one-half day assignment, the courts
23 shall make every practicable effort to assure that the pro tempore reporter shall not be on
24 duty for longer than four hours, unless the pro tempore reporter agrees with the court to
25 work beyond four hours. In the latter case, the full-day pro tempore rate of one hundred
26 sixty-nine dollars and forty cents (\$169.40) shall apply.

27 Nothing herein shall be construed to limit the court's authority to in all instances
28 pay a pro tempore reporter at the rate of one hundred sixty-nine dollars and forty cents
29 (\$169.40) when, in the court's judgment, said rate is necessary to obtain pro tempore
30 reporter services for the court.

31 (c) In addition to the salary herein provided, each regularly employed reporter
32 shall accrue and be entitled to receive sick leave benefits at the rate of 3.6924 hours of
33 sick leave with pay for each pay period or major fraction thereof, served up to an
34 accumulative total of 156 working days. Each such reporter shall accrue and receive
35 vacation at the same rate as judges of such court not to exceed 21 working days a year
36 which may be accrued not to exceed 42 days to be taken at such time as the judge to which
37 he or she has been assigned consents.

38 See 1997 Cal. Stat. ch. 571, § 4 (AB 1088 (Committee on Judiciary)).

39 For further historical information on former Section 70046.2, see the Staff Note
40 accompanying Section 70040.

41 **§ 70046.4. Official reporters in Lake County**

42 70046.4. (a) In Lake County, the official phonographic reporters shall perform
43 the following duties:

44 (1) Report all proceedings before the superior court.

45 (2) Report all the proceedings of the grand jury.

46 (3) Act as the secretary of, and render stenographic and clerical assistance to, the
47 judge of the department to which they are assigned by the presiding judge.

48 (4) Any other duties assigned by the board of supervisors upon the request of a
49 judge of the superior court.

1 The official phonographic reporters of such county shall receive a salary
2 recommended by the superior court and approved by the board of supervisors.
3 Such salary is for compensation for reporting services in the superior court under
4 subdivision (a) of this section. For all transcriptions incident to reporting services,
5 each reporter shall receive the fees provided for in Article 9 (commencing with
6 Section 69941) of this chapter. Such fees shall be paid to the County of Lake when
7 the conditions of the official phonographic reporter's employment so provide.

8 Any appointee to an official reporter position shall be compensated at the first
9 step and advance to each higher step upon completion of each year of service.
10 Upon the recommendation of the superior court and approval of the board of
11 supervisors, official reporters may be employed at or may be granted a special step
12 increase to any step within the salary range on the basis of experience or
13 qualifications.

14 (b) The compensation for each official reporter pro tempore shall be the
15 equivalent of the daily wage of the first step in the salary range for full-time
16 official reporters for each day he actually is on duty under order of the court.

17 (c) In addition to the compensation provided in this article, each full-time
18 reporter of the superior court shall be entitled to, and shall receive, the same
19 vacation, sick leave, and similar privileges and benefits as are now, or may
20 hereafter be provided for the employees of the County of Lake including the right
21 to participate in any group, accident, health or life insurance plan adopted by the
22 board of supervisors of the county.

23 (d) Until such time as the salaries of full-time official reporters and official
24 reporters pro tempore are approved by the board of supervisors pursuant to
25 subdivision (a), such reporters shall receive the salaries in effect immediately prior
26 to the effective date of this section enacted by the Legislature at its 1977-78
27 Regular Session.

28 **Staff Note.** Section 70046.4 has not been amended since 1992. For further historical
29 information on this section, see the Staff Note accompanying Section 70040.

30 **§ 70047. Official reporters in Contra Costa County**

31 70047. (a) In Contra Costa County, the annual salary of each regular official
32 reporter shall be based on a four-step salary plan as established by joint action and
33 approval of the board of supervisors and a majority of the judges of the court. The
34 step of entry shall be step one. However, the judges of the court may appoint any
35 such reporter to a duly allocated exempt position at a higher step if, in the opinion
36 of the appointing judge, an individual to be appointed has the experience and
37 qualifications to entitle that individual to a higher initial step, but in no case may
38 the initial salary be above the third step of the salary range. Official reporters shall
39 advance to the next higher step on the salary plan annually, upon affirmative
40 approval of the appointing authority. The compensation of each official reporter
41 pro tempore shall be an amount which is equivalent to 1.05 times the daily wage

1 of the fourth step in the salary range for full-time official reporters in Contra Costa
2 County for each day the reporter is on duty under order of the court. Additional
3 official reporters pro tempore may also be appointed on a half-day basis as the
4 business of the court requires. Those reporters shall be compensated at a rate
5 which is 55 percent of the daily wage of an official reporter pro tempore for each
6 period up to four hours that the reporter is on duty under the order of the court.

7 (b) During the hours which the court is open for the transaction of judicial
8 business, the regular official reporter shall perform the duties required by law.
9 When not engaged in the performance of any other duty imposed upon him or her
10 by law, he or she shall render stenographic or clerical assistance to the judge of the
11 court to which he or she is assigned as that judge may direct.

12 (c) The board of supervisors shall adjust the salary of regular official reporters
13 as part of its regular review of county employee compensation. The adjustment
14 shall be to that salary level closest to the average percentage adjustment in basic
15 salaries of the county classes of superior court clerk, legal clerk, secretary, and
16 clerk (experienced level), and shall be effective on the same date.

17 **Staff Note.** Section 70047 has not been amended since 1992. For further historical
18 information on this section, see the Staff Note accompanying Section 70040.

19 **§ 70047.1. Official reporters in Stanislaus County**

20 70047.1. Notwithstanding any other provision of law, the following provisions
21 shall be applicable to the Stanislaus County Superior Court:

22 (a) In Stanislaus County, to assist the superior court in the transaction of its
23 judicial business, a majority of the judges of the superior court, with the approval
24 of the board of supervisors, may appoint as many regular official reporters as
25 necessary to report the proceedings in the court.

26 (b) The regular official superior court reporters, unless the right to their services
27 are waived, shall report all of the proceedings as otherwise provided by law or
28 ordered by a superior court judge.

29 (c) The regular official court reporters shall be compensated at a range approved
30 by the board of supervisors by ordinance or resolution.

31 In order that the salaries provided for in this section remain equitable and
32 competitive, in the event an ordinance or resolution is adopted which provides a
33 cost-of-living increase for employees of Stanislaus County, this salary range shall
34 be deemed adjusted, increased, and amended by that ordinance or resolution.

35 (d) A regular official court reporter shall receive the same vacation, sick leave,
36 retirement, and other benefits as are provided for county employees.

37 (e) For the purposes of retirement, the compensation of each reporter shall be
38 deemed to be the total of all per diem and transcription fees paid by the county to
39 all of the regular reporters of the superior court for all reporting services, divided
40 by the number of superior court official reporters, plus his or her salary.

1 (f) The superior court executive officer shall appoint a supervising reporter to be
2 compensated at an hourly rate that is 10 percent higher than Step 5 of the hourly
3 rate specified in subdivision (c).

4 (g) For all transcriptions incident to reporting services, each reporter shall
5 receive the fees provided for in Article 9 (commencing with Section 69941) of this
6 chapter. A court reporter shall also be allowed his or her traveling expenses as
7 determined by the travel policy of Stanislaus County when reporting outside of the
8 county seat.

9 (h) The judges of the superior court may appoint as many official superior court
10 reporters pro tempore as the business of the court requires. They shall be
11 unsalaried, but shall receive a per diem of $\frac{1}{260}$ of Step 4 of the hourly rate set
12 pursuant to subdivision (c).

13 (i) The county shall provide the official reporters with supplies for the
14 performance of their courtroom duties, excluding hardware.

15 (j) The presiding judge of the superior court may, upon request of the presiding
16 judge of the municipal court, assign an official superior court reporter to the
17 municipal court during such times as the business of the municipal court requires.
18 Official superior court reporters who are so assigned shall receive no additional
19 compensation for that service.

20 **Staff Note.** Section 70047.1 has not been amended since 1992. For further historical
21 information on this section, see the Staff Note accompanying Section 70040.

22 **§ 70047.5. Official reporters in Sonoma County**

23 70047.5. (a) In Sonoma County, for the 1987–88 fiscal year each regular official
24 reporter shall be paid an annual salary of thirty-seven thousand seven hundred
25 forty dollars (\$37,740), which salary shall include payment for services in
26 reporting all proceedings in the superior court, before the grand jury and the
27 coroner. In order that the salary provided for in this section shall remain equitable
28 and competitive, the salary provided for in this section shall be adjusted and
29 increased by the same, general across-the-board salary adjustment enacted by the
30 county in the salary ordinance for other unrepresented employees.

31 (b) Reporters pro tempore serving in the superior and municipal courts shall
32 receive a per diem equal to 90 percent of the gross hourly wage of a regular
33 official superior court reporter, exclusive of benefits, for each full day, and one-
34 half the per diem rate for each half day, when actually on duty under order of the
35 court, and shall receive from the county their necessary traveling and other
36 expenses when necessarily called from other counties.

37 (c) Regular official reporters shall be entitled to the same privileges with respect
38 to retirement, vacation, sick leave and other benefits allowed to employees in the
39 clerical nonsupervisory representation unit of the county.

1 **Staff Note.** Section 70047.5 has not been amended since 1992. For further historical
2 information on this section, see the Staff Note accompanying Section 70040.

3 **§ 70048. Official reporters in San Diego County**

4 70048. (a) In a county with a population of 1,300,000 and under 1,400,000, as
5 determined by the 1970 federal census, regular official reporters shall be paid at a
6 salary rate established by joint action and approval of the board of supervisors and
7 a majority of the judges of the court.

8 Except as provided herein, the initial hiring rate for each position shall be step
9 A, provided further, however, the judges of the superior court may appoint any
10 such court reporter at a higher initial step if in the opinion of the judges of the
11 superior court an individual to be appointed has such experience and qualification
12 as to entitle that individual to such higher initial step. A step advancement from
13 step A to step B may be granted on the first day of the month following the
14 completion of 12 full months of service in the position. A person may advance to
15 steps C, D, and E upon completion of successive 12-month periods of service. All
16 merit increases as provided herein shall be made at the determination of the judges
17 of the superior court. A court reporter employed prior to November 15, 1977, and
18 currently employed shall receive a monthly and annual salary at step E.

19 (b) Official phonographic reporters pro tempore shall be compensated at a rate
20 established by joint action and approval of the board of supervisors and a majority
21 of the judges of the court.

22 (c) Each reporter shall cooperate with county personnel in any random job
23 reviews for the purpose of confirming hours spent in attendance upon the courts
24 for the purpose of reporting proceedings.

25 (d) During the hours which the court is open for the transaction of judicial
26 business, official reporters shall devote full time to the performance of the duties
27 required of them by law and shall not engage in or solicit to engage in any other
28 employment in their professional capacity.

29 **Staff Note.** Section 70048 applies to San Diego County.
30 Section 70048 has not been amended since 1991. For further historical information on this
31 section, see the Staff Note accompanying Section 70040.

32 **§ 70049. Compensation of official reporters in Inyo County**

33 70049. In a county with a population of over 11,650 and under 12,000, as
34 determined by the 1960 federal census, each regular official reporter shall receive
35 as full compensation for taking notes in criminal cases an annual salary set by
36 resolution of the board of supervisors. All other fees of such reporters shall be as
37 elsewhere provided by law.

1 **Staff Note.** Section 70049 applies to Inyo County.
2 Section 70049 has not been amended since 1985. For further historical information on this
3 section, see the Staff Note accompanying Section 70040.

4 **§ 70049.5. Compensation of official reporters in Siskiyou County**

5 70049.5. In a county with a population of over 32,000 and under 33,000, as
6 determined by the 1960 federal census, each regular official reporter shall receive
7 as full compensation an annual salary of ten thousand dollars (\$10,000) unless the
8 board of supervisors of the county shall by ordinance provide for compensation in
9 excess of that amount, in which event the amount set by ordinance shall apply.

10 **Staff Note.** Section 70049.5 applies to Siskiyou County.
11 Section 70049.5 has not been amended since 1971. For further historical information on this
12 section, see the Staff Note accompanying Section 70040.

13 **§ 70050. Official reporters in San Benito County**

14 70050. In San Benito County, the board of supervisors shall fix the salary of
15 regular official reporters and the compensation of official reporters pro tempore,
16 which shall be at a rate of not more than seventy-five dollars (\$75) a day.

17 During the hours which the court is open for the transaction of judicial business,
18 official reporters shall devote full time to the performance of the duties required of
19 them by law and shall not engage in or solicit to engage in any other employment
20 in their professional capacity.

21 **Staff Note.** Section 70050 was enacted in 1977 and has never been amended. For further
22 historical information on this section, see the Staff Note accompanying Section 70040.

23 **§ 70050.5. Official reporters in San Francisco County**

24 70050.5. In each county with a population of 730,000 and under 850,000, as
25 determined by the 1960 federal census, the monthly salary of the regular official
26 phonographic reporters shall be not less than that paid to regular official
27 phonographic reporters of the superior court in counties having a population of
28 over 6,000,000. Pro tempore reporters in each county with a population of 730,000
29 and under 850,000, as determined by the 1960 federal census, shall receive a daily
30 per diem in an amount not less than that paid to pro tempore superior court
31 reporters in counties having a population of over 6,000,000.

32 Length of employment for compensation purposes under this section shall mean
33 length of employment in either the municipal court or superior court of such
34 county.

35 All regular official phonographic reporters appointed prior to the effective date
36 of this section shall receive not less than the monthly salary set forth in the
37 maximum step of the pertinent salary schedule used in counties having a
38 population of over 6,000,000.

39 Official phonographic reporters appointed subsequent to the effective date of
40 this section shall be compensated in an amount that is not less than whatever step

1 of the pertinent salary schedule used in counties with a population of over
2 6,000,000 the majority of the judges of such court may deem appropriate.

3 **Staff Note.** Section 70050.5 applies to San Francisco County.
4 Section 70050.5 has not been amended since 2000. For further historical information on this
5 section, see the Staff Note accompanying Section 70040.

6 **§ 70050.6. Official reporters in Tuolumne County**

7 70050.6. (a) In Tuolumne County, the official reporters of the superior court
8 shall perform the following duties:

- 9 (1) Report all criminal proceedings.
10 (2) Report all civil proceedings.
11 (3) Report all domestic relations proceedings.
12 (4) Report all proceedings of the grand jury.
13 (5) Report all coroner's inquests.

14 (b) The official reporters of Tuolumne County shall receive a salary as
15 established by the Board of Supervisors of Tuolumne County. Such salary is for
16 compensation for reporting services in the superior court under subdivision (a) of
17 this section.

18 For all transcriptions incident to reporting services, each reporter shall receive
19 the fees provided for in Article 9 (commencing with Section 69941) of Chapter 5
20 of this title. The court reporter shall also be allowed his or her actual traveling
21 expenses when reporting outside of the county seat.

22 **Staff Note.** Section 70050.6 was enacted in 1980 and has never been amended. For further
23 historical information on this section, see the Staff Note accompanying Section 70040.

24 **§ 70050.8. Compensation of official reporters in Yolo County**

25 70050.8. Notwithstanding the provisions of Sections 69948 and 69949, in
26 counties with population of at least 62,000 and under 65,800, as determined by the
27 1960 federal census, the fee for official court reporters and court reporters pro
28 tempore is seventy dollars (\$70) per day unless the board of supervisors of the
29 county shall, by resolution, provide for fees in excess of that amount, in which
30 event the fee set by resolution shall apply.

31 **Staff Note.** Section 70050.8 applies to Yolo County.
32 70050.8 has not been amended since 1980. For further historical information on this section,
33 see the Staff Note accompanying Section 70040.

34 **§ 70051. Transcription fees**

35 70051. No further fee than that prescribed in Sections 70053 to 70059.5,
36 inclusive, shall be collected from, or assessed against, any party to any proceeding
37 for the services of a phonographic reporter in taking down in shorthand the
38 testimony and other proceedings in the trial or hearing of any matter as required by
39 law or by order of the court, but a phonographic reporter shall be allowed and

1 unless waived by him shall receive the fees allowed by law for transcribing his
2 shorthand notes of the testimony and proceedings reported by him, and such fees
3 for transcriptions shall be paid pursuant to Article 9 of this chapter and any other
4 law pertinent to the case.

5 **Staff Note.** Section 70051 has not been amended since 1961. For further historical
6 information on this section, see the Staff Note accompanying Section 70040.

7 **§ 70052. Manner of payment**

8 70052. The salaries provided for in this article shall be paid in monthly
9 installments out of the salary fund of the county and shall be allowed and audited
10 in the same manner as the law requires for other salary demands against the
11 county.

12 **Staff Note.** Section 70052 was enacted in 1953 and has never been amended. For further
13 historical information on this section, see the Staff Note accompanying Section 70040.

14 **§ 70056.7. Official reporters in Monterey County**

15 70056.7. Notwithstanding any other provision of law to the contrary, the
16 following provisions shall be applicable to the official superior court reporters in
17 Monterey County:

18 (a) Regular official court reporters shall report all criminal and civil proceedings
19 in their respective courts and report all grand jury proceedings. When not engaged
20 in the performance of other duties imposed on him or her by law and when
21 approved by the presiding judge, each reporter shall render such assistance as may
22 be required in any other court of the county to which he or she may be assigned.
23 During hours in which the court is open for the transaction of judicial business,
24 official reporters shall devote full time to the performance of regular duties and
25 shall not engage in or solicit any other employment in their professional capacity.

26 (b) Each regular official court reporter shall be paid a salary to be established by
27 the Monterey County Board of Supervisors upon the joint recommendation of the
28 county administrative officer and the judges of the superior court.

29 (c) A regular official court reporter shall serve at the pleasure of the judge of the
30 court for which appointed but shall receive the same vacation, sick leave,
31 retirement, and other financial or monetary benefits as are now, or may be
32 hereafter provided for the classification of superior court clerk. The benefits
33 include the right to participate in any group accident, group health, or group life
34 insurance plan adopted for and made available to the classification of superior
35 court clerk.

36 For the purposes of retirement under the Public Employees' Retirement System,
37 the salary provided for in subdivision (b) shall be deemed the entire salary for each
38 court reporter.

39 (d) Judges of the superior court may appoint as many official superior court
40 reporters pro tempore as the business of the court requires. They shall be

1 unsalaried but shall receive a per diem at a rate to be established by joint action of
2 the board of supervisors and a majority of the judges of the superior court.

3 **Staff Note.** Section 70056.7 has not been amended since 1992. For further historical
4 information on this section, see the Staff Note accompanying Section 70040.

5 **§ 70059.7. Official reporters in Santa Barbara County**

6 70059.7. In Santa Barbara County each regular official reporter shall be paid a
7 biweekly salary which shall be one thousand six hundred eighty-five dollars and
8 eighty-five cents (\$1,685.85) which salary shall include payment for services in
9 reporting all proceedings in the superior or municipal court, before the grand jury,
10 and before coroners' inquests.

11 Reporters pro tempore shall be paid at a per diem rate of up to a maximum of
12 one hundred sixty-eight dollars (\$168) or eighty-four dollars (\$84) for each half
13 day or four (4) hour period or portion thereof for the days they are actually on duty
14 under order of the court, and shall receive from the county their necessary
15 traveling and other expenses when necessarily called from other counties. Rates of
16 compensation of regular official reporters and official reporters pro tempore may
17 be adjusted by joint action and approval of the board of supervisors and a majority
18 of the judges of the court. However, any changes in compensation which are made
19 pursuant to this section shall be on an interim basis and shall remain in effect only
20 until January 1, 1993, unless ratified by statute by the Legislature prior to that
21 date.

22 **Staff Note.** Section 70059.7 has not been amended since 1992. For further historical
23 information on this section, see the Staff Note accompanying Section 70040.

24 **§ 70059.8. Official reporters in Solano County**

25 70059.8. (a) Notwithstanding any other provision of law, including but not
26 limited to Sections 70040, 70041, 70042, and 70045, the following provisions
27 shall be applicable to the official court reporters in Solano County.

28 (b) Regular official court reporters shall report all criminal and civil proceedings
29 in their respective courts; all juvenile proceedings, other than those heard by
30 referees or traffic officers when official reporters are unavailable; grand jury
31 proceedings, coroner's inquests, and proceedings before the county board of
32 equalization. When not engaged in the performance of other duties imposed upon
33 him or her by law, each reporter shall render such assistance as may be required in
34 any other court of the county to which he or she may be assigned, and perform
35 such other verbatim reporting services as may be required such as, but not limited
36 to, public hearings and depositions. During hours in which the court is open for
37 the transaction of judicial business, official reporters shall devote full time to the
38 performance of regular duties and shall not engage in any other employment in
39 their professional capacity.

1 (c) In Solano County the annual salary of each official court reporter shall be
2 based on a regular five-step plan as established by joint action and approval of the
3 board of supervisors and a majority of the judges of the court.

4 (d) For all transcripts incident to reporting services, each reporter shall receive
5 the fees provided for in Article 9 (commencing with Section 69941) of this
6 chapter. The initial hiring rate for each position shall be step 1, provided that the
7 judges may appoint any such reporter at a higher initial step if, in the opinion of
8 the majority of judges, an individual to be appointed has such experience and
9 qualifications as to entitle him or her to such higher initial step.

10 (e) A regular official court reporter shall serve at the pleasure of the appointing
11 judge, but shall be entitled to the same benefits and privileges respecting
12 longevity, service credits, cost-of-living or other general pay increases, retirement,
13 vacation, sick leave and group insurance which are provided other employees of
14 the county. Court reporters shall be entitled to any increases provided other
15 employees of the county respecting longevity, service credits, cost-of-living or
16 general pay increases, retirement, vacation, sick leave and group insurance, but
17 such increases shall be on an interim basis and remain in effect only until January
18 1, 1990, unless ratified by statute by the Legislature prior to that date.

19 (f) Judges of the court may appoint as many official reporters pro tempore as the
20 business of the court requires. They shall be unsalaried but shall receive the fees
21 provided by Article 9 of this chapter, which fees, upon order of the court, shall be
22 a proper charge against the general fund of the county.

23 **Staff Note.** Section 70059.8 has not been amended since 1992. For further historical
24 information on this section, see the Staff Note accompanying Section 70040.

25 **§ 70059.9. Official reporters in San Luis Obispo County**

26 70059.9. In San Luis Obispo County, each regular official reporter shall be paid
27 a monthly salary which shall be recommended by the superior court and approved
28 by the board of supervisors. This salary shall include payment for services in
29 reporting all proceedings in the superior court, before the grand jury, and before
30 coroner's inquests. The initial hiring rate for each position shall be step 1,
31 provided, however, that the judges of the court may appoint a reporter at a higher
32 step if such person has the experience and qualifications to entitle that individual
33 to appointment at a higher initial step. Step advancement from step 1 to step 2 may
34 be granted following completion of six full months of service in the position.
35 Thereafter, a person may advance to each succeeding step upon completion of a
36 12-month period of full-time service at the previous step. All step advancements
37 pursuant to this section shall be determined by the judges of the court. In addition
38 to the duties required by the provisions of this section, and notwithstanding the
39 provisions of Section 69956, regular official reporters, when not actually engaged
40 in the performance of other lawfully imposed duties, shall, at no additional

1 compensation, render stenographic or clerical assistance or both, to the superior
2 court as may be directed by the presiding judge.

3 Reporters pro tem shall be paid at a per diem rate of seventy-six dollars (\$76)
4 for the days they are actually on duty under order of the court, and shall receive
5 from the county their necessary travel and other expenses when necessarily called
6 from other counties. Rates of compensation of official reporters pro tem may be
7 adjusted by approval of the board of supervisors upon the recommendation of a
8 majority of the judges of the court.

9 Each official court reporter shall be an attaché of the superior court and shall
10 serve at the pleasure of the appointing judges, but shall be entitled to the same
11 benefits and privileges respecting retirement, group insurance, social security,
12 vacation, sick leave and other fringe benefits which are provided to county
13 employees.

14 **Staff Note.** Section 70059.9 has not been amended since 1992. For further historical
15 information on this section, see the Staff Note accompanying Section 70040.

16 **§ 70060. Taxation as costs**

17 70060. The fee so required shall be taxed as costs in favor of any party paying it
18 and to whom costs are awarded by the judgment of the court. Such fee shall not be
19 subject to the provisions of Section 6103.

20 **Staff Note.** Section 70060 was enacted in 1953 and has never been amended. For further
21 historical information on this section, see the Staff Note accompanying Section 70040.

22 **§ 70061. Exception to fee requirement**

23 70061. In a county with a population of 280,000 and under 285,000, of 500,000
24 and under 700,000, or of 700,000 or more, the fee so required shall not be required
25 of any party who is exempted from the payment of costs by any statute other than
26 Section 6103.

27 **Staff Note.** Section 70061 applies to the following counties: Alameda, Los Angeles, San
28 Bernardino, San Diego, and San Francisco.

29 Section 70061 was enacted in 1953 and has never been amended. For further historical
30 information on this section, see the Staff Note accompanying Section 70040.

31 **§ 70062. Transmittal of funds**

32 70062. On or before the first day of each calendar month, the county clerk shall
33 transmit to the county treasurer all money paid to him pursuant to this article
34 during the preceding calendar month, or up to the day immediately preceding that
35 on which he transmits the money, and the money shall be deposited in the salary
36 fund of the county.

1 **Staff Note.** Section 70062 was enacted in 1953 and has never been amended. For further
2 historical information on this section, see the Staff Note accompanying Section 70040.

3 **§ 70063. Official reporters in Mendocino County**

4 70063. In Mendocino County, the official phonographic reporters shall perform
5 the following duties:

- 6 (a) Report all proceedings before the superior court.
7 (b) Report the proceedings of the grand jury.
8 (c) Act as the secretary of, and render stenographic and clerical assistance to, the
9 judge of the department to which they are assigned by the presiding judge.

10 **Staff Note.** Section 70063 was amended by 2005 Cal. Stat. ch. 410, § 1 (AB 1435 (Evans)).
11 The amendment deleted the following language specifying salary and benefits of official
12 reporters and official reporters pro tempore in Mendocino County:

13 (a)

14 The official phonographic reporters of such county shall receive a salary
15 Recommended by the superior court and approved by the board of supervisors
16 Any appointee to an official reporter position shall be compensated at the first
17 step and advance to each higher step upon completion of each year of service.
18 Upon the recommendation of the superior court and approval of the board of
19 supervisors, official reporters may be employed at or may be granted a special
20 step increase to any step within the salary range on the basis of experience or
21 qualifications.

22 (b) The compensation for each official reporter pro tempore shall be the
23 equivalent of the daily wage of the first step in the salary range for full-time
24 official reporters for each day he actually is on duty under order of the court.

25 (c) In addition to the compensation provided in this article, each full-time
26 reporter of the superior court shall be entitled to, and shall receive, the same
27 vacation, sick leave, and similar privileges and benefits as are now, or may
28 hereafter be provided for the employees of the County of Mendocino, including
29 the right to participate in any group, accident, health or life insurance plan
30 adopted by the board of supervisors of the county.

31 (d) Until such time as the salaries of full-time official reporters and official
32 reporters pro tempore are approved by the board of supervisors pursuant to
33 subdivision (a), such reporters shall receive the salaries in effect immediately
34 prior to the effective date of the of the amendments to this section enacted by
35 the Legislature at its 1977-78 Regular Session.

36 For further historical information on this section, see the Staff Note accompanying Section
37 70040.

38 **§ 70064. Compensation of official reporters in Mono County**

39 70064. In Mono County, each regular official reporter shall receive as full
40 compensation for taking notes in criminal cases an annual salary set by resolution
41 of the board of supervisors. All other fees of such reporters shall be as elsewhere
42 provided by law.

1 **Staff Note.** Section 70064 was enacted in 1985 and has never been amended. For further
2 historical information on this section, see the Staff Note accompanying Section 70040.

3 **§ 70100. Application of article**

4 70100. This article applies in each county with a population of 700,000 and
5 under 750,000, as determined by the 1950 federal census. The provisions of
6 Article 11 of this chapter which apply in counties with a population of 750,000 or
7 over apply in each county with a population of 700,000 and under 750,000 except
8 as is otherwise validly provided in this article or in Section 70058.

9 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
10 article consisting of Sections 70100-70104, which applies to Alameda County. The
11 accompanying Comment said:

12 **Comment.** Sections 70100-70104 are repealed to reflect:

13 (1) Enactment of the Trial Court Employment Protection and Governance Act.
14 See Section [sic] 71615(c)(1) (preservation of employees' job classifications), 71620
15 (trial court personnel). See also Sections 68086 (fees for reporting services), 69941
16 (appointment of official reporters), 69947 (compensation of official reporter).

17 (2) Enactment of the Trial Court Funding Act. See Section 77009 (Trial Court
18 Operations Fund). See also Sections [sic] 68086 (fees for reporting services in civil
19 cases generally).

20 There was also an accompanying Note, which explained that provisions relating to county
21 treasuries were being examined by a Joint Court-County Working Group on Trial Court Funding.
22 The Note solicited comment on the proper treatment of such provisions (e.g., Section 70104).

23 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
24 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
25 Comment. However, the tentative recommendation did not specify the content of the proposed
26 new Section 69947.

27 The Commission did not include any reform of Section 69947 or Sections 70100-70104 in its
28 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
29 reporter compensation issues until "stakeholders have resolved the underlying substantive and
30 fiscal issues." *Id.* at 15.

31 Section 70100 has not been amended since 1953.

32 **§ 70101. Procedure for appointment of reporters in Alameda County**

33 70101. If a majority of the judges of the superior court of any county with a
34 population of 700,000 and under 750,000 concur in an order that appointments
35 may be made pursuant to this article, they may each appoint a competent
36 phonographic reporter, specifying that the appointment is pursuant to Article 12,
37 Chapter 5, Title 8, of this code.

38 **Staff Note.** Section 70101 was enacted in 1953 and has never been amended. For further
39 historical information on this section, see the Staff Note accompanying Section 70100.

40 **§ 70104. Reporters' fees**

41 70104. In such event in cases in which a phonographic reporter is requested and
42 the fees provided for by Article 11 for counties with a population of 700,000 and
43 under 750,000 have not been paid, the parties litigant shall pay to the clerk of the

1 court, prior to the hearing of the cases, the phonographic reporters' fees prescribed
2 by Article 9. Such fees shall be deposited by the clerk in the county treasury to the
3 credit of the salary fund of the county.

4 **Staff Note.** Section 70104 was enacted in 1953 and has never been amended. For further
5 historical information on this section, see the Staff Note accompanying Section 70100.

6 **§ 70110. Official reporters in Tulare County**

7 70110. In Tulare County, each judge of the superior court may appoint a
8 competent phonographic reporter, to be known as a regular official reporter of that
9 court, and such pro tempore reporters as necessary to report the proceedings of the
10 court. Regular official reporters shall hold office during the pleasure of the
11 appointing judge.

12 The duties of regular official reporters appointed pursuant to this section shall be
13 performed as elsewhere provided by law, and shall include the reporting of every
14 civil proceeding.

15 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
16 article consisting of Sections 70110-70113. The accompanying Comment said:

17 **Comment.** Sections 70110-70113 are repealed to reflect:

18 (1) Enactment of the Trial Court Employment Protection and Governance Act.
19 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
20 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
21 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
22 employment benefits not affected), 71640-71645 (employment selection and
23 advancement), 71650-71658 (employment protection system), 71673 (authority of
24 court). See also Sections 69941 (appointment of official reporters), 69947
25 (compensation of official reporter), 69950 (transcription fee).

26 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court
27 operations" defined), 77009 (Trial Court Operations Fund), 77200 (state funding
28 of trial court operations).

29 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
30 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
31 Comment. However, the tentative recommendation did not specify the content of the proposed
32 new Section 69947.

33 The Commission did not include any reform of Section 69947 or Sections 70110-70113 in its
34 final recommendation on *TCR: Part I*. Instead, the Commission deferred consideration of court
35 reporter compensation issues until "stakeholders have resolved the underlying substantive and
36 fiscal issues." *Id.* at 15.

37 Section 70110 was enacted in 1987 and has never been amended.

38 **§ 70111. Compensation of official reporters in Tulare County**

39 70111. (a) In consideration of all reporting services, official court reporters shall
40 be paid biweekly at Range 184 of the current Tulare County salary schedule.

41 The initial rate for currently appointed official superior court court reporters on
42 the effective date of this article shall be Range 184, step "E," two thousand five
43 hundred eighty-four dollars and five cents (\$2,584.05).

1 The initial hiring rate for each position shall be Range 184, step A. However, a
2 judge of the superior court may appoint any such court reporter at a higher initial
3 step if, in the opinion of the judge of the superior court, an individual to be
4 appointed has such experience and qualifications to entitle that individual to the
5 higher initial step.

6 The county shall provide each reporter stenographic machine paper, ink, and
7 ribbons necessary for reporting.

8 (b) Where it is necessary to appoint a pro tempore reporter, the pro tempore
9 reporter shall receive a per diem of one hundred fifteen dollars (\$115) a day for
10 the day the pro tempore reporter actually is on duty under order of the court.

11 Pro tempore reporters shall not receive more than one per diem fee a day from
12 the county.

13 (c) This per diem rate shall also apply when a reporter is appointed pursuant to
14 Section 869 of the Penal Code by a justice court judge acting as a magistrate.

15 (d) Each full-time official reporter and each official reporter pro tempore shall
16 receive the salaries specified in subdivisions (a) and (b) respectively, unless the
17 Board of Supervisors of Tulare County, by ordinance, provides for compensation
18 in excess of the specified amounts, in which event the amount set by ordinance
19 shall apply.

20 (e) For all transcripts incident to reporting services, each reporter shall receive
21 the fees provided for in Section 69950.

22 **Staff Note.** Section 70111 was enacted in 1987 and has never been amended. For further
23 historical information on this section, see the Staff Note accompanying Section 70110.

24 **§ 70112. Benefits for official reporters**

25 70112. In addition to the compensation provided in this article, each full-time
26 reporter of the superior court shall be entitled to, and shall receive the same
27 vacation, sick leave, salary step advancements, and similar privileges and benefits
28 as are now or may hereafter be provided for the employees of the county.

29 Regular official reporters of the superior court shall participate in any group
30 health, accident, life insurance, or deferred compensation plan adopted by the
31 county.

32 **Staff Note.** Section 70112 was enacted in 1987 and has never been amended. For further
33 historical information on this section, see the Staff Note accompanying Section 70110.

34 **§ 70113. Retirement of official reporters**

35 70113. Official superior court court reporters shall be members of any retirement
36 system maintained by the county. For retirement credit purposes compensation
37 earnable shall be deemed to be the annual salary paid by the county to each
38 official superior court court reporter.

1 **Staff Note.** Section 70113 was enacted in 1953 and has never been amended. For further
2 historical information on this section, see the Staff Note accompanying Section 70110.

3 **§ 70125. Official reporters in Humboldt County**

4 70125. In each county having a population of more than 95,000 and less than
5 120,000, as determined by the 1960 federal census, to assist the court in the
6 transaction of its judicial business, a majority of the judges of the superior court
7 for such county may appoint as many regular official phonographic reporters as
8 necessary to report the proceedings in the court. The number of reporters so
9 appointed shall not exceed at any one time the number of judges provided by law
10 for the court. The reporters shall hold office during the pleasure of a majority of
11 the judges of the court.

12 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
13 article consisting of Sections 70125-70128, which applies in Humboldt County. The
14 accompanying Comment said:

15 **Comment.** Sections 70125-70128 are repealed to reflect:

16 (1) Enactment of the Trial Court Employment Protection and Governance Act.
17 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
18 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
19 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
20 employment benefits not affected), 71640-71645 (employment selection and
21 advancement), 71650-71658 (employment protection system), 71673 (authority of
22 court). See also Sections 69941 (appointment of official reporters), 69947
23 (compensation of official reporter).

24 (2) Enactment of the Trial Court Funding Act. See Section 77006 (Trial Court
25 Operations Fund). See also Sections [sic] 68086 (fees for reporting services in civil
26 cases generally).

27 There was also an accompanying Note, which explained that provisions relating to county
28 treasuries were being examined by a Joint Court-County Working Group on Trial Court Funding.
29 The Note solicited comment on the proper treatment of such provisions (e.g., Section 70104).

30 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
31 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
32 Comment. However, the tentative recommendation did not specify the content of the proposed
33 new Section 69947.

34 The Commission did not include any reform of Section 69947 or Sections 70125-70128 in its
35 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
36 reporter compensation issues until "stakeholders have resolved the underlying substantive and
37 fiscal issues." *Id.* at 15.

38 Section 70125 was enacted in 1961 and has never been amended.

39 **§ 70126. Appointment of official reporter pro tempore**

40 70126. A judge of the superior court may appoint a pro tempore official reporter,
41 to serve as the convenience of the court may require, when an official reporter is
42 unavailable.

1 **Staff Note.** Section 70126 was enacted in 1961 and has never been amended. For further
2 historical information on this section, see the Staff Note accompanying Section 70125.

3 **§ 70127. Compensation of official reporters in Humboldt County**

4 70127. Each regular official reporter shall be paid an annual salary of twenty
5 thousand nine hundred eighty-three dollars and ninety-two cents (\$20,983.92).
6 Adjustments in salary shall be made annually by the board of supervisors by an
7 amount which is equivalent to the increase or decrease in the salary of related
8 classes in the classified service of the county, and each pro tempore official
9 reporter shall be paid per day the amounts prescribed in Article 9 (commencing
10 with Section 69941) of Chapter 5 of Title 8 for the days he is actually on duty
11 under the order of the court.

12 In addition to the compensation provided in this article, the board of supervisors
13 of Humboldt County may provide by ordinance that each regular court reporter of
14 the superior court shall be entitled to, and shall receive, the same vacation, sick
15 leave and similar privileges and benefits as are now, or may be hereafter, provided
16 to employees in Humboldt County classifications serving in the superior court,
17 including the right to participate in any group life, health, dental, or other benefit
18 program adopted by the board of supervisors.

19 **Staff Note.** Section 70127 has not been amended since 1981. For further historical
20 information on this section, see the Staff Note accompanying Section 70125.

21 **§ 70128. Fees**

22 70128. Except in criminal cases, the fees prescribed in Article 9 (commencing
23 with Section 69941), Chapter 5, Title 8, shall be paid for the services of a court
24 reporter. The fees for reporting testimony and proceedings in contested cases and
25 for reporting default or uncontested actions or proceedings shall be paid to the
26 county clerk and deposited in the county treasury. All other fees prescribed in
27 Article 9, Chapter 5, Title 8, shall be paid to the reporter rendering the service and
28 retained by him.

29 **Staff Note.** Section 70128 was enacted in 1961 and has never been amended. For further
30 historical information on this section, see the Staff Note accompanying Section 70125.

31 **§ 70130. Compensation of official reporters in Marin County**

32 70130. (a) In a county with a population of over 205,000 and not over 225,000
33 as determined by the 1970 federal decennial census, within which there is located
34 a facility of the Department of Corrections of the State of California, each full-
35 time official reporter shall receive a salary recommended by the superior court and
36 approved by the board of supervisors.

37 Any appointee to an official reporter position shall be compensated at the first
38 step and advance to each higher step upon completion of each year of service.
39 Upon the recommendation of the superior court and approval of the board of

1 supervisors, official reporters may be employed at or may be granted a special step
2 increase to any step within the salary range on the basis of experience or
3 qualifications.

4 (b) The compensation for each official reporter pro tempore shall be the
5 equivalent of the daily wage of the third step in the salary range for full-time
6 official reporters for each day he actually is on duty under order of the court.

7 (c) In addition to the compensation provided in this article, each full-time
8 reporter of the superior court shall be entitled to, and shall receive, the same
9 vacation, sick leave, and similar privileges and benefits as are now, or may
10 hereafter be provided for the employees of the County of Marin, including the
11 right to participate in any group, accident, health or life insurance plan adopted by
12 the board of supervisors of the county.

13 (d) Until such time as the salaries of full-time official reporters and official
14 reporters pro tempore are approved by the board of supervisors pursuant to
15 subdivision (a), such reporters shall receive the salaries in effect immediately prior
16 to the effective date of the amendments to this section enacted by the Legislature
17 at its 1975–76 Regular Session.

18 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
19 article consisting of Sections 70130-70134, which applies in Marin County. The accompanying
20 Comment said:

21 **Comment.** Sections 70130-70134 are repealed to reflect:

22 (1) Enactment of the Trial Court Employment Protection and Governance Act.
23 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
24 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
25 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
26 employment benefits not affected), 71640-71645 (employment selection and
27 advancement), 71650-71658 (employment protection system), 71673 (authority of
28 court). See also Sections 69941 (appointment of official reporters), 69947
29 (compensation of official reporter).

30 (2) Enactment of the Trial Court Funding Act. See Sections 77003 ("court
31 operations" defined), 77009 (Trial Court Operations Fund), 77200 (state funding
32 of trial court operations). See also Section 69952 (payment from Trial Court
33 Operations Fund).

34 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
35 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
36 Comment. However, the tentative recommendation did not specify the content of the proposed
37 new Section 69947.

38 The Commission did not include any reform of Section 69947 or Sections 70130-70134 in its
39 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
40 reporter compensation issues until "stakeholders have resolved the underlying substantive and
41 fiscal issues." *Id.* at 15.

42 Section 70130 has not been amended since 1985.

43 **§ 70130.5. Transcription fees**

44 70130.5. No further fee, charge or salary other than the salary or compensation
45 provided by Section 70130 shall be collected from, or assessed against, any party

1 to any proceeding for the services of an official reporter in taking down in
2 shorthand the testimony and other proceedings in the trial or hearing of any matter
3 as required by law or by order of the court; but an official reporter shall be
4 allowed, and shall receive, unless waived by him, the fees allowed by law for
5 transcribing his shorthand notes of the testimony and proceedings reported by him,
6 and such fees for transcription shall be paid as provided by Sections 69947 to
7 69953, inclusive, and by any other law of this state pertinent to the case.

8 **Staff Note.** Section 70130.5 was enacted in 1966 and has never been amended. For further
9 historical information on this section, see the Staff Note accompanying Section 70130.

10 **§ 70131. County treasury**

11 70131. In criminal cases in which the court specifically so directs, the fee for a
12 transcript ordered by the court to be made shall be paid out of the county treasury
13 on the order of the court. The court shall not order to be transcribed and paid for
14 out of the county treasury any matter or material except that reported by the
15 reporter pursuant to Code of Civil Procedure Section 269. When the court orders a
16 daily transcript, necessitating the services of two official reporters, the reporting
17 fee for each of the reporters and the transcript fee shall be proper charges against
18 the county treasury, and such daily transcript shall be pursuant to Code of Civil
19 Procedure Section 269.

20 **Staff Note.** Section 70131 was enacted in 1966 and has never been amended. For further
21 historical information on this section, see the Staff Note accompanying Section 70130.

22 **§ 70131.5. Payment of fees**

23 70131.5. Fees for transcription of testimony and proceedings in the court shall
24 be paid by the litigants to full-time official reporters and official reporters pro
25 tempore as otherwise provided by law. In all cases where by law the court may
26 direct the payment of transcription fees out of the county treasury, such fees shall,
27 upon order of the court, be paid from the general fund including fees for
28 transcription of testimony and proceedings in criminal cases as provided in
29 Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

30 **Staff Note.** Section 70131.5 was enacted in 1966 and has never been amended. For further
31 historical information on this section, see the Staff Note accompanying Section 70130.

32 **§ 70132. Retirement of official reporters**

33 70132. The official reporters of the court, if otherwise eligible, shall be members
34 of any retirement system maintained by the county that includes attachés of the
35 court. For the purposes of such retirement system, the salary or compensation
36 provided for reporters in this article shall be deemed their entire compensation,
37 except that where credit is claimed for service rendered prior to the establishment
38 of such salary or compensation, the actual compensation paid to them by the
39 county shall be the basis for contributions for such prior service, and continuous

1 employment of the court, prior to membership in such retirement system, shall be
2 considered as “prior service” therein upon the payment by the reporters of the
3 sums due, if any, under the retirement system.

4 **Staff Note.** Section 70132 was enacted in 1966 and has never been amended. For further
5 historical information on this section, see the Staff Note accompanying Section 70130.

6 **§ 70132.5. Duties of official reporter and line of authority**

7 70132.5. (a) The official reporter shall perform the duties required of him by
8 law. When not actually engaged in the performance of any other duty imposed on
9 him by law, he shall render stenographic or clerical assistance, or both, to the
10 judge or judges of the department to which he is assigned as such judge or judges
11 may direct. This subdivision shall not apply to reporters who elect to be paid on a
12 per diem and fee basis.

13 (b) The official reporter in each department shall be selected by, and serve solely
14 and directly under the authority and control of, the judge thereof, and shall not be
15 subject to the authority of any county administrative office or personnel
16 commission.

17 **Staff Note.** Section 70132.5 was enacted in 1966 and has never been amended. For further
18 historical information on this section, see the Staff Note accompanying Section 70130.

19 **§ 70133. Impact of disqualification ordinance or state law**

20 70133. Nothing in any county ordinance or in any state law disqualifying
21 employees at any age from further employment, shall affect any reporter employed
22 on the effective date of this article, or for a period of 10 years thereafter.

23 **Staff Note.** Section 70133 was enacted in 1966 and has never been amended. For further
24 historical information on this section, see the Staff Note accompanying Section 70130.

25 **§ 70134. Restrictions applicable to official reporters**

26 70134. The official reporters of the court, in addition to membership in any
27 appropriate county retirement system, unless otherwise specified in this article,
28 shall be bound by the same restrictions applicable to other county employees. Such
29 reporters shall not use county equipment or county premises or county working
30 hours for the purpose of doing work not in the service of the county or the court.

31 **Staff Note.** Section 70134 was enacted in 1966 and has never been amended. For further
32 historical information on this section, see the Staff Note accompanying Section 70130.

33 **§ 70136. Compensation of official reporters in Santa Cruz County**

34 70136. (a) Notwithstanding any other provision of law, the monthly salary of
35 each full-time official reporter of the Superior Court in Santa Cruz County shall be
36 as follows:

37 Step 1: \$1,614

- 1 Step 2: \$1,685
- 2 Step 3: \$1,758
- 3 Step 4: \$1,834
- 4 Step 5: \$1,941

5 The initial hiring rate for each position shall be step 1. However, the judges of
6 the superior court may appoint any such court reporter at a higher initial step if, in
7 the opinion of the judges of the superior court, an individual to be appointed has
8 such experience and qualifications to entitle that individual to such higher initial
9 step.

10 In addition to the compensation provided in this article, each full-time reporter
11 of the superior court shall be entitled to, and shall receive the same vacation, sick
12 leave, salary step advancements, and similar privileges and benefits as are now or
13 may hereafter be provided for the employees of the county.

14 (b) Notwithstanding any other provision of the law, compensation for each
15 official reporter pro tempore shall be sixty-five dollars (\$65) a day for each day
16 such reporter pro tempore is on duty under order of the court. Each reporter pro
17 tempore shall receive from the county the necessary traveling and other expenses
18 when necessarily called from other counties.

19 (c) Each full-time official reporter and each official reporter pro tempore shall
20 receive the salaries specified in subdivisions (a) and (b), respectively, unless the
21 board of supervisors of Santa Cruz County by ordinance provides for
22 compensation in excess of the specified amounts, in which event the amount set by
23 ordinance shall apply.

24 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to repeal the
25 article consisting of Sections 70136-70139. The accompanying Comment said:

26 **Comment.** Sections 70136-70139 are repealed to reflect:
27 (1) Unification of the municipal and superior courts in Santa Cruz County
28 pursuant to Article VI, Section 5(e), of the California Constitution, effective
29 July 1, 1998.
30 (2) Enactment of the Trial Court Employment Protection and Governance Act.
31 See Sections 71615(c)(1) (preservation of employees' job classifications), 71620
32 (trial court personnel), 71623 (salaries), 71624 (retirement plans), 71625 (accrued
33 leave benefits), 71628 (deferred compensation plan benefits), 71629 (trial court
34 employment benefits not affected), 71640-71645 (employment selection and
35 advancement), 71650-71658 (employment protection system), 71673 (authority of
36 court). See also Sections 69941 (appointment of official reporters), 69947
37 (compensation of official reporter), 69953 (payment of fees), 69953.5 (daily
38 Transcript requiring more than one reporter).
39 (3) Enactment of Section 69505 (business-related travel expenses of trial
40 Court judges and employees).
41 (4) Enactment of the Trial Court Funding Act. See Sections 77003 ("court
42 operations" defined), 77009 (Trial Court Operations Fund), 77200 (state funding
43 of trial court operations). See also Section 69952 (payment from Trial Court
44 Operations Fund).

1 The 2001 tentative recommendation also proposed to repeal Section 69947 (compensation of
2 official reporter) and add a new Section 69947 on the same subject, which was cited in the above
3 Comment. However, the tentative recommendation did not specify the content of the proposed
4 new Section 69947.

5 The Commission did not include any reform of Section 69947 or Sections 70136-70139 in its
6 final recommendation on *TCR: Part 1*. Instead, the Commission deferred consideration of court
7 reporter compensation issues until “stakeholders have resolved the underlying substantive and
8 fiscal issues.” *Id.* at 15.

9 Section 70136 has not been amended since 1980.

10 **§ 70137. Payment of fees**

11 70137. Fees for transcription of testimony and proceedings in the court shall be
12 paid by the litigant to full-time official reporters or to official reporters pro
13 tempore as otherwise provided by law. In all cases where by law the court may
14 direct the payment of transcription fees out of the county treasury, such fees shall,
15 upon order of the court, be paid from the General Fund, including fees for
16 transcription of testimony of proceedings in criminal cases as provided in Sections
17 69947 to 69953, inclusive, of this code, which shall be paid from the county
18 treasury.

19 **Staff Note.** Section 70137 was enacted in 1974 and has never been amended. For further
20 historical information on this section, see the Staff Note accompanying Section 70136.

21 **§ 70138. Duties of official reporter and line of authority**

22 70138. (a) The official reporter shall perform the duties required by law. When
23 not actually engaged in the performance of any other duty imposed by law, the
24 official reporter shall render stenographic or clerical assistance, or both, to the
25 judge or judges of the department to which such reporter is assigned as such judge
26 or judges may direct.

27 (b) The official reporter in each department shall be selected by and serve
28 directly under the authority and control of the judge thereof, provided, however,
29 that whenever the services of an official reporter are not required in the actual
30 prosecution of the business of his department, the presiding judge of the superior
31 court may temporarily assign any such reporter to act as an official reporter for
32 another department of the superior court or as an official reporter of a municipal
33 court within the same county.

34 **Staff Note.** Section 70138 was enacted in 1974 and has never been amended. For further
35 historical information on this section, see the Staff Note accompanying Section 70136.

36 **§ 70139. Fees**

37 70139. (a) A reporter’s filing fee of twelve dollars (\$12) shall be paid in actions
38 and proceedings as specified in Section 68090.5 in the Santa Cruz County
39 Superior Court.

40 (b) In addition to any fee otherwise required, in civil cases that last longer than
41 one judicial day, a fee per day equal to the per diem rate for official reporters pro

1 tempore shall be charged to the parties for the services of an official reporter for
2 the second and each successive day a reporter is required.

3 (c) In addition to any fee otherwise required, in a civil case in which a court
4 orders a daily transcript necessitating the services of two phonographic reporters,
5 the party requesting the daily transcript shall pay a fee per day equal to the per
6 diem rate for official reporters pro tempore for the services of the second reporter
7 for the first and each successive day.

8 **Staff Note.** Section 70139 has not been amended since 1992. For further historical
9 information on this section, see the Staff Note accompanying Section 70136.

10 PENAL CODE

11 **§ 938.3. Payment of reporters**

12 938.3. The services of the stenographic reporter shall constitute a charge against
13 the county, and the stenographic reporter shall be compensated for reporting and
14 transcribing at the same rates as prescribed in Sections 69947 to 69954, inclusive,
15 of the Government Code, to be paid out of the county treasury on a warrant of the
16 county auditor when ordered by the judge of the superior court.

17 **Staff Note.** In the 2001 tentative recommendation, the Commission proposed to amend
18 Section 938.3 as follows:

19 938.3. The services of the stenographic reporter shall constitute a charge against
20 the county, and the stenographic reporter shall be compensated for reporting and
21 transcribing at the same rates as prescribed in ~~Sections 69947 to 69954, inclusive,~~
22 Section 69947 of the Government Code, to be paid out of the county treasury on a
23 warrant of the county auditor when ordered by the judge of the superior court, except
24 to the extent provided for in Section 69947 of the Government Code.

25 **Comment.** Section 938.3 is amended to recognize the possibility that in some
26 counties the duties of the official reporter for which the reporter receives
27 compensation from the court may include grand jury reporting and transcription. In
28 that circumstance, reimbursement is due to the court from the county. See Gov't Code
29 § 69947 & Comment (compensation of official reporter). *Cf.* Gov't Code § 77003, Cal.
30 R. Ct. 810 (“court operations” defined to exclude grand jury expenses and operations).

31 The 2001 tentative recommendation also proposed to repeal Government Code Section 69947
32 (compensation of official reporter) and add a new Government Code Section 69947 on the same
33 subject, which was cross-referenced in the above amendment and cited in the accompanying
34 Comment. However, the tentative recommendation did not specify the content of the proposed
35 new Government Code Section 69947.

36 The Commission did not include any reform of Government Code Section 69947 or Penal
37 Code Section 938.3 in its final recommendation on *TCR: Part 1*. Instead, the Commission
38 deferred consideration of court reporter compensation issues until “stakeholders have resolved
39 the underlying substantive and fiscal issues.” *Id.* at 15.

40 Section 938.3 has not been amended since 1987.

Proposed New Government Code Section 69947
(from 2001 staff draft)

69947. (a) As used in this section:

(1) "Compensation" includes, but is not limited to, salary, benefits, privileges, fees, and allowances.

(2) "Court operations" has the meaning defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(3) "Official reporter" includes official reporter pro tempore.

(b) The official reporter shall receive the following compensation:

(1) For reporting services, the compensation determined pursuant to the Trial Court Employment Protection and Governance Act, Chapter 7 (commencing with Section 71600), or, if the reporter is not a trial court employee within the meaning of that act, the compensation determined by agreement between the court and the reporter. In no event shall the compensation of the official reporter be less than the compensation provided by law on December 31, 2002, for duties of the reporter that constitute court operations.

(2) For transcription services, the fees prescribed in this article.

(c) If the duties for which the official reporter receives compensation from the court include services to the county that do not constitute court operations, including but not limited to services for the county board of supervisors, board of equalization, coroner, or grand jury, the county shall reimburse the court for a pro rata share of the compensation.

Comment. Section 69947 supersedes former Government Code Section 69947 (compensation of official reporter). It reflects enactment of the Trial Court Employment Protection and Governance Act. See Gov't Code §§ 71620 (trial court personnel), 71623 (salaries), 71673 (authority of court). The section supersedes special statutes that prescribe the compensation of official reporters. See, e.g., former Gov't Code § 69948 (compensation in contested cases).

Subdivision (b)(1) sets as a minimum for compensation of the official reporter for reporting services the compensation to which the official reporter was entitled on December 31, 2002. Compensation is broadly defined in subdivision (a)(1) and would include, by way of illustration and not by way of limitation, all of the following:

- Wages, including compensation based on the salary schedule of another county. See, e.g., former Gov't Code §§ 69995 (Ventura County), 70012 (Orange County), 70050.5 (San Francisco County).
- Overtime fees. See, e.g., former Gov't Code § 70045.10 (Tehama County).
- Retirement benefits, including benefits based on transcription fees. See, e.g., former Gov't Code §§ 69991 (Monterey and Stanislaus Counties), 70045.10 (Tehama County), 70047.1 (Stanislaus County).
- Bonuses, to the extent they were part of the compensation structure for the official reporter on December 31, 2002.
- Reimbursement for supplies. See, e.g., former Gov't Code § 70045.8 (Butte County).

The compensation to which the official reporter was entitled on December 31, 2002, may include compensation for duties that are not part of court operations. If compensation negotiated pursuant to subdivision (b)(1) includes those duties, the court is entitled to pro rata reimbursement from the county. See subdivision (c).

Staff Note. In late 2001, Nathaniel Sterling (former Executive Director of the Law Revision Commission) wrote a memorandum entitled "Trial Court Restructuring: Official Reporter." See CLRC Staff Memorandum 2001-96. This is an excerpt from pages 3-8 of that memorandum.

LEGAL STATUS OF OFFICIAL REPORTER COMPENSATION STATUTES

Have the innumerable statutes governing compensation of official reporters and official reporters pro tempore in fact been superseded by the Trial Court Employment Protection and Governance Act as a matter of law? At the outset, we must remember that at most TCEPGA may supersede those statutes only to the extent they apply to trial court employees. To the extent those statutes may apply to official reporters and official reporters pro tempore who are not trial court employees, they would not be superseded by TCEPGA in any event.

With respect to trial court employees, the Administrative Office of the Courts has stated that TCEPGA is the result of an extensive task force process involving all interested parties, and at the conclusion of the process it was clearly understood by all parties that the new law would supersede existing employee compensation statutes.

Professional associations and labor unions, however, have stated that there was no such agreement. When an effort was made as part of the task force process to remove existing statutes, there were immediate objections. The result was that matter was put off to the Law Revision Commission to work on. See Gov't Code § 71674 (Commission "shall determine whether any provisions of law are obsolete as a result of the enactment of this chapter").

Presumptively, TCEPGA supersedes existing employment compensation statutes. However, a plausible argument to the contrary can be made, and there is evidence of legislative intent supporting both sides. A good lawyer could argue each piece of evidence either way.

Special Statutes Superseded

There is ample support for the position that TCEPGA was intended to, and in fact does, supersede existing special statutes on official reporter compensation:

Gov't Code § 71623. Salaries

71623. (a) Each trial court may establish a salary range for each of its employee classifications. Considerations shall include, but are not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention.

(b) All persons who are trial court employees as defined in Section 71601, as of the implementation date of this chapter shall become trial court employees at their existing salary rate. For employees who are represented by a recognized employee organization, salary ranges may be subject to modification pursuant to the terms of a memorandum of understanding or agreement, or upon expiration of an existing memorandum of understanding or agreement subject to meet and confer in good faith. For employees who are not represented by a recognized employee organization, salary ranges may be revised by the trial court. However, as provided in Section 71612, the implementation of this chapter shall not be a cause for the modification of salary ranges by a trial court.

Gov't Code § 71673. Authority of court

71673. Notwithstanding any other provision of law, the trial court may exercise the authority and power granted to it pursuant to Article 2 (commencing with Section 71620) of this chapter, including, but not limited to, the authority and power to establish job classifications, to appoint such employees as are necessary, to establish salaries for trial court employees, and to arrange for the provision of benefits for trial court employees, without securing the approval or consent of the county or the board of supervisors, and without requiring any further legislative action, except as otherwise provided by this chapter.

Special Statutes Not Superseded

Some evidence can be marshaled for the argument that TCEPGA was not intended to, and in fact does not, supersede existing special statutes on official reporter compensation. The direct evidence is somewhat weak.

Gov't Code § 71612. Existing terms of employment not affected

71612. Except as otherwise expressly provided in this chapter, the enactment of this act shall not be a cause for the modification or elimination of any existing wages, hours, or terms and conditions of

employment of trial court employees. However, except as to those procedures, rights, or practices described in this chapter as minimum standards, the enactment of this act shall not prevent the modification or elimination of existing wages, hours or terms and conditions of employment through the meet and confer in good faith process or, in those situations in which the employees are either exempted from representation, or are not represented by a recognized employee organization, through appropriate procedures.

Note that Section 71612 does not actually guarantee existing compensation — it provides merely that enactment of TCEPGA shall not be considered a change in circumstances that would justify renegotiation. The section goes on to provide procedures for renegotiating compensation, without any guarantees.

Gov't Code § 71617. Limitation on municipal court employment

71617. To the extent this chapter applies to a municipal court, any action by the municipal court specifying the number, qualification, or compensation of officers or employees of the municipal court which differs from that prescribed by the Legislature pursuant to Section 5 of Article VI of the California Constitution shall remain in effect for a period of no more than two years unless prescribed by the Legislature within that period.

Section 71617 would seem to keep in effect the multitudinous statutes governing compensation of municipal court personnel. It may be argued that since municipal courts no longer exist, Section 71617 no longer has any relevance. But the statutes governing trial court unification state expressly that existing terms and conditions of employment continue through the unification process until adoption of a statewide structure for trial court employees, officers and other personnel. Gov't Code § 70217. And Section 71617 is part of the statewide structure. See also Gov't Code § 71614 (unification statutes not affected by TCEPGA).

However, if Section 71617 is necessary to preserve employment-related municipal court statutes, the fact that no comparable provision preserves employment-related superior court statutes suggests that the superior court statutes are in fact superseded by TCEPGA.

Inferences to be Drawn from Treatment of Other Employment Issues

Numerous provisions of TCEPGA establish processes for modification of existing salaries and benefits. The implication to be drawn from these provisions

is that TCEPGA contemplates the possibility of negotiation downwards as well as upwards. But this is nowhere spelled out.

By comparison, TCEPGA directly repeals conflicting statutes relating to government employee collective bargaining. TCEPGA also indirectly overrides conflicting statutes relating to employment selection, advancement, and protection. Gov't Code §§ 71640, 71650 (TCEPGA "shall replace" existing county employment selection, advancement, and protection systems applicable to trial court employees). The same types of statutory override were not applied to existing salary and benefits statutes.

Section 71673 (set out above) is also noteworthy. It is located among provisions of TCEPGA governing the relation of TCEPGA to other statutes. It states specifically that "notwithstanding any other provision of law," the trial court [may] establish salaries and arrange for benefits "without requiring any further legislative action." This suggests that the existing statutes are superseded by TCEPGA. Section 71673 is followed immediately by the provision directing the Law Revision Commission to determine whether any provisions of existing law are obsolete as a result of enactment of TCEPGA and to recommend amendments to remove the obsolete provisions. Section 71674.

Legislative Intent

There is evidence of legislative intent in legislative analyses made during the process leading to enactment of TCEPGA. The Senate Floor analysis of the final version of the bill states that "the level of benefits provided to trial court employees will not be reduced" by the bill and that MOUs remain in effect until expiration or amendment, subject to meet and confer. "Finally, this bill provides that the current classification, salary rate, and seniority of court employees shall remain the same and that disciplinary actions initiated before implementation of the personnel system shall remain in effect."

The analyses are clear that the intent of the legislation was to adopt "the unanimous recommendations of the Task Force on Trial Court Employees for establishing a uniform employment status scheme for court personnel." Those unanimous recommendations of the task force are nebulous, however.

As to salary, the task force report states:

The recommended salary model is compatible with the assumption that state funding levels will not significantly change as a result of the new personnel structure. The model also meets the intent of the Legislature that no employee in the trial court system

shall sustain a salary reduction as a result of the new personnel structure. The recommended salary model creates a system of decentralized management and does not reduce salaries or require substantial cost increases. In keeping with the intent not to reduce the salary of a trial court employee, all court employees will enter the new personnel system with their existing salaries at the time of transition.

Task Force on Trial Court Employees, *Final Report* at p. 72 (Dec. 31, 1999)

As to benefits, the task force report states:

The task force intends that trial court employees not lose the benefits they currently enjoy when they transition to the new personnel system. The task force recognizes that protecting benefits for trial court employees was crucial to meeting its charge that trial court employees' benefits should not be reduced.

Task Force on Trial Court Employees, *Final Report* at p. 136 (Dec. 31, 1999)

Sauce for the Goose?

We have heard from official reporter representatives that, although existing statutes provide for employment of official reporters "at pleasure," the statutes are superseded by the employment protection provisions of TCEPGA. Can these organizations rationally take the position that existing disadvantageous statutes are superseded by TCEPGA, but existing advantageous statutes are not?

At least with respect to "at pleasure" statutes, the staff thinks the official reporter representatives can make a plausible argument. TCEPGA is reasonably clear that it provides minimum employment protection standards every court must conform to, superseding existing county provisions. Gov't Code § 71650. TCEPGA says nothing about superseding existing statutes setting compensation of official reporters.

Conclusion

While an argument can be made that TCEPGA does not override existing statutes on trial court employee compensation, the staff believes the stronger argument is that TCEPGA was intended to supersede these statutes.

That does not end the discussion, however, since TCEPGA only governs compensation of those official reporters who are trial court employees. And although most official reporters and official reporters pro tempore are trial court employees, some are not.

This would argue for preservation of existing statutes, at least to the extent they may be applicable to existing non-employee official reporters and official reporters pro tempore. For non-employees, any preservation of existing rights ought not to be indefinite, but only until termination of existing contracts. This could easily be done with a saving clause, without the need to maintain large bodies of generally obsolete statutory material.