

# Fact Sheet: Shortage of Certified Shorthand Reporters in California

January 2024



## Background

The California Supreme Court, in a 2018 opinion, stated that “the absence of a verbatim record of trial court proceedings will often have a devastating effect” on a litigant’s ability to have an appeal decided on the merits.<sup>1</sup> The verbatim record is captured and transcribed exclusively by certified shorthand reporters (court reporters) in case types where a court reporter is required<sup>2</sup> and electronic recording is not authorized.<sup>3</sup> Parties may arrange for the services of a court reporter in other case types.<sup>4</sup> However, a declining number of court reporters threatens access to justice for court users, especially Californians who can’t afford to pay for their own court reporter.

## Number of Court-Employed Reporters Falls Short of Need

According to the fiscal year (FY) 2022–23 Schedule 7A, courts employ approximately 1,200 FTE (full-time equivalent) court reporters. To meet minimum requirements,<sup>5</sup> it is estimated that California courts may need up to an additional 650 full-time court reporters.<sup>6</sup> In addition to court reporters employed by the courts, courts also contract with pro tempore<sup>7</sup> reporters to help meet the need.

California trial courts reported in recent surveys that between January 1 and September 30, 2023:

- 43 of the 58 courts actively recruited for court reporters;
- 69.3 (FTE) court reporters were hired, 16.5 (FTE) of whom came from other courts (23.8% of all hires); and
- 84.1 (FTE) court reporters have left employment at the courts, for a net loss of 14.8 (FTE) reporters.<sup>8</sup>

## Recruitment and Retention Challenges

California courts are challenged to recruit and retain court reporters to meet the needs of court users and legal requirements. These challenges include an ever-decreasing number of California-licensed court reporters and difficulty competing with private employers in the labor market.

## Declining availability of California-licensed court reporters

There were 4,752 California-licensed court reporters residing in the state as of July 1, 2023.<sup>9</sup> However, according to the California Department of Consumer Affairs, between FY 2013–14 and FY 2021–22 the total number of licensees declined 19.2% and the number of new license applications declined 70.1%.<sup>10</sup> Potential indicators that the decline will continue include:

- *Challenging pathway to licensure:* Thirty-five new licenses were issued statewide in 2021–22.<sup>11,12</sup> Of the 271 individuals who applied to take the skills (dictation) portion of the past three California certified shorthand reporter exams (held Nov. 2022, Mar. 2023, and July 2023), 31.7% passed. The November 2022 exam was the first to include voice writing; a total of 17 individuals have since passed the skills exam as voice writers.<sup>13</sup>

<sup>1</sup> *Jameson v. Desta* (2018) 5 Cal.5th 594, 622.

<sup>2</sup> Felony and juvenile cases.

<sup>3</sup> Electronic recording is not authorized except in limited civil, misdemeanor, and infraction proceedings when a court reporter is unavailable (Gov. Code, § 69957(a)).

<sup>4</sup> Courts must also provide an official court reporter in civil cases when a party with a fee waiver requests one, and the proceeding cannot otherwise be electronically recorded.

<sup>5</sup> Covering all case types where a court reporter is required or electronic recording is not authorized.

<sup>6</sup> “Need” is calculated by applying the Resource Assessment Study estimate of court reporter need of 1.25 times the assessed judicial need for each included case type, [www.courts.ca.gov/29305.htm](http://www.courts.ca.gov/29305.htm).

<sup>7</sup> Refers to an individual who is retained by the court on an intermittent or contractual basis.

<sup>8</sup> Court Reporter Recruitment, Retention, and Attrition dashboard, [www.courts.ca.gov/76328.htm](http://www.courts.ca.gov/76328.htm).

<sup>9</sup> Court Reporters Board: December 13, 2023, Board Meeting Packet, [www.courtreportersboard.ca.gov/about-us/20231213\\_packet.pdf](http://www.courtreportersboard.ca.gov/about-us/20231213_packet.pdf).

<sup>10</sup> Department of Consumer Affairs data portal, [www.dca.ca.gov/data/annual\\_license\\_stats.shtml](http://www.dca.ca.gov/data/annual_license_stats.shtml).

<sup>11</sup> *Ibid.*

<sup>12</sup> Only eight court reporting programs recognized by the state remain open (down from 17 schools in 2010), [www.courtreportersboard.ca.gov/applicants/school\\_info.shtml](http://www.courtreportersboard.ca.gov/applicants/school_info.shtml). However, students may also qualify for California’s Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing.

<sup>13</sup> Court Reporters Board, School Examination Statistics, [www.courtreportersboard.ca.gov/applicants/examstats.shtml](http://www.courtreportersboard.ca.gov/applicants/examstats.shtml).

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- *Court reporters likely nearing retirement:* The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 as of December 31, 2022.<sup>14</sup> In California, approximately 44.9% of all active licenses were issued at least 30 years ago.<sup>15</sup>

## Compensation

Court reporters in California courts are paid, on average, 51% more than other nonmanager court positions. At the same time, the declining number of court reporters in California has created a tight and competitive labor market, exacerbating compensation pressures. According to the FY 2022–23 Schedule 7A, court-employed reporters' median total salary plus benefits is estimated to be \$183,940.<sup>16</sup> This is significantly lower than the cost to hire a court reporter through a private company: \$2,580/day for a deposition and \$3,300/day for a trial, on average.<sup>17</sup> Additionally, transcripts must be purchased from court reporters. In 2021, the Legislature increased the statutory transcript fees by approximately 30%.<sup>18</sup> In FY 2022–23, California courts spent \$22.6 million on transcripts.<sup>19</sup>

## Current Recruitment and Retention Efforts

Trial courts are implementing a variety of incentives to recruit and retain court reporters. Between July 1 and September 30, 2023, approximately 82.9% of trial courts that are actively recruiting utilized at least one incentive to recruit and retain court reporters. These incentives included signing bonuses (63.4% of actively recruiting courts offered signing bonuses), retention and longevity bonuses (39.0%), increased salary ranges (41.5%), finder's fees (39.0%), student loan or tuition reimbursement incentives (29.3%), and more.<sup>20</sup> For example, the Los Angeles court is offering a \$50,000 signing bonus and \$25,000 finder's fee for court employees who refer a court reporter, Riverside offered up to \$32,500 in retention payments over three years, and Contra Costa provides a \$50,000 tuition reimbursement fund for existing court employees to use toward pursuing court reporter certification.

## Importance of the Verbatim Record

Between July 1 and September 30, 2023, of 343,200 family, probate, and unlimited civil hearings in California, an estimated 133,000 hearings had no verbatim record (38.8% of reported hearings), and an additional estimated 81,900 hearings (23.9%) had no court-provided reporter and it is unknown whether a verbatim record was captured by a private court reporter.<sup>21</sup> The lack of a verbatim record will "frequently be fatal" to a litigant's ability to have an appeal decided on the merits.<sup>22</sup> For example, victims seeking protective orders, such as victims of domestic violence or elder abuse, may have difficulty appealing the denial of a protective order because they don't have a record. In civil matters, an appellate court may be unable to review a party's claim of error in the trial court. In criminal proceedings, the lack of a sufficient record may impact a defendant's constitutional rights of due process and equal protection.<sup>23</sup> California appellate courts have also ordered new criminal proceedings where a reporter's notes were destroyed or lost, there were substantial issues on appeal, and there was no adequate substitute for the notes.<sup>24</sup>

<sup>14</sup> National Court Reporters Association, [www.ncra.org/home/about-ncra/NCRA-Statistics](http://www.ncra.org/home/about-ncra/NCRA-Statistics).

<sup>15</sup> Department of Consumer Affairs, Licensee List (as of Nov. 2023), [www.dca.ca.gov/consumers/public\\_info/index.shtml](http://www.dca.ca.gov/consumers/public_info/index.shtml).

<sup>16</sup> Median value of estimated salary and benefit costs statewide by the filled court reporter FTEs.

<sup>17</sup> Data provided by a survey of 49 private consumer attorneys. It is unknown how much of the court reporter rate charged by companies is provided to the reporter in the form of compensation and how much is kept by the company.

<sup>18</sup> [Sen. Bill 170 \(Stats. 2021, ch. 240\)](#).

<sup>19</sup> 2022–23 Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

<sup>20</sup> Court Reporter Recruitment, Retention, and Attrition dashboard, [www.courts.ca.gov/76328.htm](http://www.courts.ca.gov/76328.htm).

<sup>21</sup> Courts were asked to provide the number of hearings without a verbatim record and the number of total hearings for each of these case types or in the aggregate. Where a court provided the number of hearings without a verbatim record for a case type but not the corresponding total hearings (or vice versa), that case type data was removed from the data set.

<sup>22</sup> *Jameson, supra*, 5 Cal.5th at 608, fn. 1.

<sup>23</sup> *In re Armstrong* (1981) 126 Cal.App.3d 565; *March v. Municipal Court* (1972) 7 Cal.3d 422.

<sup>24</sup> *People v. Jones* (1981) 125 Cal.App.3d 298; *People v. Apalatequi* (1978) 82 Cal.App.3d 970; see Pen. Code, § 1181(9).