

No. S288176

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

FAMILY VIOLENCE APPELLATE PROJECT and
BAY AREA LEGAL AID,

Petitioners,

v.

SUPERIOR COURTS OF CALIFORNIA, COUNTIES OF
CONTRA COSTA, LOS ANGELES, SANTA CLARA, and
SAN DIEGO,

Respondents,

THE LEGISLATURE OF THE STATE OF CALIFORNIA,
Real Party in Interest.

**APPLICATION FOR LEAVE TO FILE AND BRIEF OF AMICUS
CURIAE LEGAL SERVICES OF NORTHERN CALIFORNIA IN
SUPPORT OF PETITIONERS FAMILY VIOLENCE APPELLATE
PROJECT and
BAY AREA LEGAL AID**

LEGAL SERVICES OF NORTHERN CALIFORNIA

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to Rule 8.208(e) of the California Rules of Court, Amicus Curiae certify that they know of no other person or entity that has a financial or other interest in this case.

Dated: April 4, 2025

By: 
Alysa Meyer

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APPLICATION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE

Pursuant to California Rules of Court, rule 8.487(e), Legal Services of Northern California respectfully requests leave to file the attached brief in support of Petitioners Family Violence Appellate Project and Bay Area Legal Aid.

I. INTERESTS OF AMICUS CURIAE

Legal Services of Northern California (“LSNC”) is a non-profit legal services organization providing free civil legal services to thousands of low-income individuals and families in twenty-three Northern California counties each year. Founded in 1956, LSNC’s mission is to provide quality legal services to empower the poor to identify and defeat the causes and effects of poverty within our community, efficiently utilizing all available resources. LSNC represents clients in both trial court and appellate proceedings, including matters involving elder abuse restraining orders, health care rights, landlord-tenant, consumer rights, land use, public benefits, and civil rights. LSNC serves a wide range of vulnerable populations, including people with disabilities, survivors of domestic violence, older adults, people who are geographically isolated, and people experiencing discrimination because of race, culture, sexual orientation, or gender. LSNC has a vested interest in ensuring that litigants in LSNC’s rural service area have the same access to verbatim court proceedings as litigants in other parts of the state.

II. NEED FOR FURTHER BRIEFING

The proposed amicus curiae, who regularly represents low-income civil litigants in rural Northern California courthouses, seeks to help the

Court understand the geographic and regional differences in accessing verbatim records in civil proceedings. Further briefing will demonstrate why due process and equal access require verbatim records of court proceedings for all California litigants, regardless of where they live. Amicus curiae has a substantial interest in the issue before this Court and believe that their expertise can help the Court more fully assess the merits of this case.

III. STATEMENT OF AUTHORSHIP AND MONETARY CONTRIBUTION

No party or counsel for any party in the pending Writ authored this brief in whole or in part, and no party or counsel for any party in the pending Writ made a monetary contribution intended to fund the brief's preparation or submission. No other person or entity made a monetary contribution intended to fund the preparation or submission of this brief.

IV. CONCLUSION

For all the reasons set forth above, Amicus Curiae respectfully requests that the Court accept the accompanying brief for filing.

April 4, 2025

Respectfully Submitted,
LEGAL SERVICES OF NORTHERN
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AMICUS CURIAE BRIEF

INTRODUCTION

The statewide court reporter shortage has increased exponentially over the last ten years. At the end of 2024, California courts needed an additional 458 full-time court reporters to meet minimum requirements. (Jud. Council of Cal., Fact Sheet: Shortage of Certified Shorthand Reporters in California, January 2025.) Civil litigants in most courtrooms in California have been impacted by the unavailability of Certified Shorthand Reporters (CSRs), with all but fifteen of the fifty-eight courts actively recruiting court reporters between July 1 and September 30, 2024. (*Id.*) Most courts in Legal Services of Northern California's twenty-three county geographic service area, which spans an area roughly the size of the state of Ohio, are unable to provide official court reporters for civil proceedings, even for indigent litigants with fee waivers. Rural, low-income civil litigants have been disproportionately impacted by the shortage of court reporters, as they lack the financial resources to hire private court reporters, and often, there are no private CSRs available to travel to the more rural areas of Northern California.

Courts have a tool at their disposal that could be utilized to provide all civil litigants with verbatim records—electronic recording. Yet, many courts are not utilizing electronic recording when available and permitted by law, even when there are no available CSRs. Several courts in rural Northern California are using electronic recording pursuant to Administrative Orders implemented to address the scarcity of CSRs but many others are not. Thus, geography often determines whether civil litigants have meaningful access to verbatim records.

There is no justification for this unequal treatment of civil litigants based on geography. Where a person lives should not determine whether they have access to verbatim records of civil court proceedings. Not having a verbatim record of the trial court proceedings has significant implications for civil litigants, effectively extinguishing their right to appeal unless the opposing party agrees to a settled or agreed statement. (Cal. Rules of Court, rules 8.120(b), 8.134, 8.137.) But a settled or agreed statement is not a viable alternative to protect a litigant's appellate rights. (See *Jameson v. Desta* (2018) 5 Cal.5th 594, 622, fn. 20.) Settled statements are not a substitute for a verbatim record because they rely on counsel's and the trial judge's memories of the proceedings, accurate contemporaneous note taking, and extensive cooperation or agreement between the parties.

This Court should grant Petitioners' writ of mandate and/or prohibition to ensure that in any civil proceeding, California courts provide litigants who cannot afford to pay for private court reporters with an official verbatim record created at no charge, including by electronic recording if necessary.

ARGUMENT

I. Justice Requires that California Litigants Receive Verbatim Records in Civil Proceedings.

In *Jameson*, this Court held that superior courts must ensure that free verbatim records are available to indigent litigants who cannot afford to pay private court reporters "when a superior court adopts a general policy under which official court reporters are not made available in civil cases but parties who can afford to pay for a private court reporter are permitted to do so." (*Jameson v. Desta, supra*, 5 Cal. 5th at p. 622.) *Jameson* thus established the court's duty to create verbatim records for indigent civil litigants. *Jameson*

did not consider a statewide court reporter shortage resulting in many superior courts requiring that the courts provide free Certified Shorthand Reporters for low-income civil litigants but being unable to provide them.

A. California Civil Litigants Do Not Have the Same Access to Verbatim Records.

California civil litigants face three possibilities when exercising their right to obtain a verbatim record of court proceedings when the court is unable to provide a court reporter: 1) private court reporters are available in the geographic region for those who can afford to pay; 2) the courts make electronic recordings available by local rule or order because of the existence of the statewide CSR shortage; or 3) civil litigants have no access to public or private CSRs and discretionary access, or no access, to electronic recordings. Therefore, whether a litigant receives a verbatim record of civil court proceedings varies depending on the litigants' residency, leading to unequal treatment without substantial justification.

1) Litigants' ability to pay for a private court reporter remains a barrier to obtaining a verbatim record of civil court proceedings.

Civil litigants in urban areas may have access to private court reporters when the court is unable to provide a public court reporter. Although cost-prohibitive for indigent litigants, urban areas theoretically have private CSRs available for hire to provide verbatim records of court proceedings. Urban courts also generally have robust websites with substantial information about access to court reporters. For example, the Superior Court of California, County of Sacramento's website contains extensive information about requesting court reporters and contact information for five court staff members assigned to answer questions about

court reporters or transcripts. (Superior Court of California, County of Sacramento, Court Reporters, URL: <https://www.saccourt.ca.gov/court-reporters/court-reporters.aspx>, [as of April 3, 2025].) The website includes a list of forty court-approved official reporters pro tempore. (Superior Court of California, County of Sacramento, List of Court-Approved Official Reporters Pro Tempore, <https://www.saccourt.ca.gov/court-reporters/docs/crtrp-13.Pdf>, [as of April 3, 2025].) Sacramento Superior Court also electronically records limited civil proceedings, including unlawful detainer cases, collections, and small claims, if recording equipment is available. (Superior Court of California, County of Sacramento, Public Notice Regarding Changes to Policy Regarding Availability and Unavailability of Official Court Reporters Effective August 8, 2022.) Thus, Sacramento civil litigants may have the opportunity to obtain electronically recorded verbatim records in limited civil cases, and to hire private court reporters for proceedings in which a public court reporter is not available and for which an electronic recording is not provided.

Yet, the opportunity to retain private CSRs depends on the litigants' ability to pay. LSNC's clients are indigent and cannot afford to retain private CSRs. Based on LSNC's recent attempt to retain a private CSR based out of Sacramento because there were no free, court-provided reporters available, the cost for half a day of reporting is \$1,200—just \$6.94 less than the maximum monthly Supplemental Security Income benefit for an individual in California. (Social Security Administration, Supplemental Security Income (SSI) in California, www.ssa.gov/pubs/EN-05-11125.pdf, [as of April 3, 2025].) Indigent litigants do not have equal access to verbatim records of court proceedings when the only way to obtain one is by hiring a private CSR. As this Court proclaimed in *Jameson*, a policy of not providing

official court reporters in most civil trials, while permitting privately retained court reporters for parties who can afford to pay for them, is inconsistent with in forma pauperis judicial decisions and the public policy of facilitating equal access to the courts that is expressed in Government Code section 68630(a). (*Jameson v. Desta, supra*, 5 Cal.5th at 599, 613-614, 622-623.) Treating civil litigants differently depending on their means to pay is inherently unfair and raises both due process and equal protection issues. (See *In re Marriage of Obrecht* (2016) 245 Cal. App.4th 1, fn. 3, “...we believe the right to effective appellate review cannot be permitted to depend entirely on the means of the parties.”) As declared by our Legislature, “our legal system cannot provide ‘equal justice under law’ unless all persons have access to the courts without regard to their economic means.” (Gov. Code, § 68630, subd. (a).) This Court has the power to remedy the existing inequality among civil litigants by mandating electronic recording of civil proceedings when a court-provided court reporter is unavailable.

2) Some courts are using electronic recording for civil cases to create verbatim records when there are no available CSRs, despite Government Code section 69957’s limitations on its use.

The second circumstance civil litigants encounter when seeking a verbatim record of court proceedings is the availability of an electronic recording because of a local rule or order issued to ensure equal access to justice. While Government Code section 69957 prohibits courts from utilizing electronic recording in unlimited civil, family law, and probate proceedings, these orders recognize the constitutional crisis caused by the statewide shortage of court reporters. The orders aim to address this issue by declaring that their judges have discretion to authorize electronic recording under specific circumstances. This Court has the opportunity to ensure that

Government Code section 69957 not serve as a barrier to the use of electronic recordings to create official verbatim records of all civil proceedings by mandating the use of electronic recordings for litigants who cannot afford to pay for private CSRs and where public court reporters are unavailable.

The Superior Court of California, County of Solano is an example of a court issuing findings and an order to support electronic recording of civil proceedings to create verbatim records for litigants. Although the Solano Superior Court benefits from its proximity to the San Francisco Bay Area and therefore has a list of sixty-three approved court reporters pro tempore, the Court is unable to provide a CSR in all matters due to the statewide shortage of court reporters. (See Superior Court of California, County of Solano, Court Reporters, https://solano.courts.ca.gov/system/files/general/pro_tempore_list_updated_03-07-25.pdf, [as of April 3, 2025] and Superior Court of California, County of Solano, Court Reporters, Policy Regarding Normal Availability and Unavailability of Official Court Reporters Effective February 1, 2022.) To fulfill its “core judicial functions,” the Court issued findings to support its decision to require “...that electronic reporting be utilized in the absence of a CSR” because “[d]ue process requires the availability of an adequate record to afford appellate review.” (Superior Court of California, County of Solano, Court Reporters, In re Findings Concerning Availability of CSR Court Reporters for the Solano County Superior Court, pp. 4-5, <https://solano.courts.ca.gov/general-information/court-reporters>, [as of April 3, 2025].) The Court already uses electronic recordings for infractions, small claims, and limited civil proceedings as authorized by statute.

Northern California's rural counties face a severe shortage of CSRs. The Superior Court of California, County of Siskiyou explained the problem facing rural counties in a Standing Order addressing the shortage of CSRs: “Siskiyou County is a remote, rural county with only a couple of resident certified court reporters willing to accept per diem work on an occasional basis. The nearest reporters outside the county reside 50-100 miles away and are frequently unwilling to travel to Siskiyou County, particularly during the winter months when travel is challenging and roadways frequently close [sic] due to weather conditions.” (See Superior Court of California, County of Siskiyou, Court Reporter and Transcript Information, Findings Concerning Availability of CSR Court Reporters for the Siskiyou County Superior Court and Standing Order Regarding Electronic Recording Filed June 9, 2022, p. 4, <https://www.siskiyou.courts.ca.gov/general-information/court-reporter-transcript-information>, [as of April 3, 2025].) The Siskiyou Superior Court ordered that electronic recording be provided to indigent civil litigants pursuant to *Jameson v. Desta* (2018) 5 Cal.5th 594, stating, “Electronic recording is necessary and indispensable to ensure due process as it will preserve the record for appellate review or other judicial purposes.” (*Id.* at p. 6.)

The Superior Court of California, County of El Dorado, which has five courthouse branch locations in rural Northern California, including South Lake Tahoe, Placerville, and Cameron Park, also issued an Administrative Order to allow electronic recordings in the Court’s discretion in response to the court reporter shortage. (Superior Court of California, County of El Dorado, Administrative Order Regarding the Use of Electronic Recordings, May 16, 2024.) The Order references the Court’s efforts to retain court reporters and the dire statistics regarding the availability of

CSRs. (*Id.* at p. 1.) Only fifty-three applicants statewide passed the Court Reporters Board Dictation Exam in November 2023. (*Ibid.*) The Order states that, “Court Administration has engaged 33 other courts to see if any could spare a CSR to cover matters, on an as needed basis, and if a CSR was available, the Court would offer to cover travel expenses and salaries for the CSR. Of those counties who have responded, they indicated they were short-staffed as well and therefore could not assign a CSR to El Dorado Superior Court. Many courts indicated that although they had ongoing open recruitments, they have been unable to fill CSR positions.” (*Ibid.*) The Court also contacted numerous private CSRs throughout Northern California and the Sacramento area and official reporter pro tempores, but none were able to assist with in-person or remote reporting consistent with applicable statute or rules. (*Ibid.*) The Court issued a “Proposed Tentative Ruling Re Electronic Recording” allowing the Judicial Officer presiding over any matter before the Court to make good cause findings allowing the use of electronic recording whenever a CSR is otherwise unavailable. (*Ibid.*)

Civil litigants in the Superior Court of California, County of Sierra may also be able to obtain verbatim records through electronic recordings in the absence of a CSR because the Court is following the Los Angeles Superior Court’s General Order Regarding Operation of Electronic Recording Equipment For Specified Proceedings Involving Fundamental Liberty Interests In The Absence of an Available Court Reporter issued September 5, 2024. (Superior Court of California, County of Sierra, Court Reporter Shortage Crisis in California, October 3, 2024, <https://www.sierra.courts.ca.gov/news/superior-court-los-angeles-county-issues-general-order-allowing-electronic-recording-specified>, [as of April 3, 2025].) The General Order permits individual judges to authorize electronic

recording of hearings where no CSR is reasonably available, and where fundamental rights are at stake. (*Ibid.*) The Sierra Superior Court specifically noted their “approach is aligned with the best practices to preserve the integrity of court records.” (*Ibid.*)

Other rural courthouses have also taken the bold step of permitting electronic recordings in all civil proceedings due to the severe shortage of CSRs. Based on LSNC’s experience in civil litigation in Tehama County, the Tehama Superior Court will automatically electronically record the proceedings if they do not have a court reporter available and a party has requested one. In Mendocino County, if a party requests a court reporter but one is not available, the court will electronically record the proceedings. In Nevada County, the court also utilizes electronic recording as the official court record for civil cases when available. (Super. Ct. Nevada County, Local Rules, rule 1.08.) The Superior Court of California, County of Modoc permits electronic recordings of civil proceedings in the judicial officer’s discretion if requested by a party. Therefore, depending on the jurisdiction of the case, litigants may be able to obtain a verbatim transcript of civil proceedings through electronic recording in the absence of a Certified Shorthand Reporter, but it is not guaranteed and the different rules in each jurisdiction create different results for otherwise similarly situated individuals. This Court can resolve the constitutional crisis resulting from the statewide court reporter shortage by mandating that courts use electronic recording for low-income litigants in any civil proceeding in which a court-provided court reporter is unavailable.

3) Civil litigants in at least nine rural courthouses within LSNC's geographic service area are deprived of verbatim records due to the lack of public or private Certified Shorthand Reporters and the courts' inability to ensure the availability of electronic recordings.

There are notable geographic disparities in access to verbatim records of civil court proceedings. Rural, low-income residents in Northern California are unable to obtain verbatim records in civil proceedings in at least nine jurisdictions where LSNC practices because court reporters are unavailable and these courts are not generally authorizing the use of electronic recording. These litigants are significantly disadvantaged in appellate proceedings, assuming they can appeal at all. There is no valid reason for this unequal treatment based solely on geography and income differences among civil litigants. “[T]he requirement of equal protection ensures that the government does not treat a group of people unequally without some justification’ [Citation].” (*People v. Hardin* (2024) 15 Cal.5th 834, 847.) Courts need to determine whether different treatment of civil litigants is justified under the applicable standard of review. (*Id.* at p. 851.) However, there is no basis for treating civil litigants seeking verbatim records of trial court proceedings unequally under any standard of review. The government does not have a legitimate interest in depriving low income and/or rural civil litigants of a verbatim record of civil court proceedings, and none is articulated in Government Code section 69957.

Underscoring regional disparities in CSR availability, the Superior Court of California, County of Trinity, with three branches located in Weaverville, Hayfork, and Mad River, does not currently employ any court reporters. The Court does not normally provide official court reporters in any

civil cases. (Super. Ct. Trinity County, Local Rules, rule 2.06.) The Court permits electronic recording of limited civil proceedings as the official verbatim record. (*Id.*) When LSNC staff asked about electronic recording for civil proceedings, Court staff said they can record via Zoom but they were unsure if they could provide a verbatim record to a party at a later date.

Similarly, the Superior Court of California, County of Amador cannot guarantee the availability of staff or pro-tempore court reporters at any given hearing. The Court does not provide CSRs for elder abuse restraining orders, civil law and motion, unlawful detainers, family law, civil trials, probate, or domestic violence restraining orders. (Super. Ct. Amador County, Local Rules, rule 11.06.) Although the Court's Local Rule states that the Court may utilize electronic recording when available and subject to applicable requirements, the requirements are not explained. (*Id.*)

LSNC has had similar experiences in accessing verbatim records in civil proceedings in other rural Superior Courts, including Shasta, Lassen, Del Norte, Colusa, and Calaveras. These courts are unable to provide public court reporters for indigent civil litigants because of an insufficient supply on staff, and the courts are not regularly recording *any* civil proceedings. Even if a civil litigant is able to secure the services of a private court reporting service, litigants may be required to adhere to specific procedures to obtain approval for their use. For example, Lassen Superior Court requires that the litigant obtain court approval at least five days prior to the hearing using a specific local form. (Super. Ct. Lassen County, Local Rules, rule 16.)

In the most recent example of the unavailability of a verbatim record of civil court proceedings where LSNC practices, LSNC attempted to obtain a public court reporter for an unlawful detainer matter in the Superior Court of California, County of Yolo. Unlawful detainer trials are typically set on

ten days' notice through service by mail in Yolo Superior Court. LSNC called the Courtroom Support Division after receiving notice of the trial to request a court reporter. The Court staff said the Court does not provide court reporters for unlawful detainer cases due to a lack of resources. When asked about the availability of electronic recording, the Court staff said the attorney must ask the judicial officer on the day of trial if they have the capability of electronically recording, and if so, if the judicial officer would permit the proceedings to be recorded. Rather than risk not having a verbatim record of the proceedings, LSNC attempted to retain a private court reporter but none were available. This Court has the opportunity to afford equal protection to all civil litigants by mandating the use of electronic recording for low-income litigants when a court-provided court reporter is not available.

II. Unequal Access to Verbatim Records Worsens the Rural Access to Justice Gap that Already Exists for Low Income Litigants.

A. The Extra Work Involved in Determining How to Preserve Civil Court Records Exacerbates the Rural Attorney Desert.

California faces a rural lawyer shortage. (California Commission on Access to Justice, California's Attorney Deserts: Access to Justice Implications of the Rural Lawyer Shortage, July 2019.) Known as attorney deserts, rural California has substantial locations where there are unmet legal needs because too few attorneys live and work in the area. (*Id.* at p. 1.) In twenty-two of the twenty-three counties in LSNC's service area, there is one or fewer attorneys per square mile. (*Id.* at pp. 4-5.) Sacramento is the exception, with 12.2 attorneys per square mile. (*Id.* at p. 5.)

The scarcity of lawyers in rural areas is also prevalent in legal aid. The estimated number of low-income people eligible for LSNC's services is

578,460. (Legal Services Corporation, Our Grantees, Legal Services of Northern California, <https://www.lsc.gov/grants/our-grantees/legal-services-northern-california-inc-program-profile>, [as of April 3, 2025].) LSNC’s Shasta Regional Office covers five counties spread out over 21,888 square miles in the far north. It has been challenging to hire and retain attorneys in the office, which currently employs one attorney and a rural senior project coordinator to serve the estimated 46,600 people at or below 100 percent of the federal poverty level.¹ LSNC’s Ukiah and Eureka offices each employ three attorneys to assist a poverty population of 55,527 covering 9,932 square miles over four counties. LSNC’s Butte Regional office serves Glenn, Colusa, Butte and Plumas counties, which span over 6,773 square miles. The office employs four attorneys to serve the 46,815 individuals in the poverty population. LSNC’s Motherlode Regional office serves six rural counties with a combined poverty population of 63,534. These counties—Amador, Calaveras, El Dorado, Nevada, Placer, and Sierra—cover 6,867 square miles. The office staff consists of three attorneys, a legal graduate, and a paralegal.

The attorney time it takes to determine how to preserve a record in civil proceedings aggravates the existing attorney desert in rural Northern California, which is more acute for legal aid programs. LSNC attorneys may spend up to ten percent of their total case time working on issues related to record preservation. The work includes reviewing local rules, preparing and filing the request for a court-provided court reporter, contacting the court for updates on the availability of court reporters, and if none are available,

¹ To be eligible to receive legal assistance from LSNC, an applicant’s income may not exceed 125 percent of the federal poverty level, with some limited exceptions. The poverty population reported in this brief are for people at or below 100 percent of the federal poverty level because of limitations in obtaining census data for many counties in LSNC’s geographic service area.

determining if the court will electronically record. If court-provided reporters and electronic recording are unavailable, attorneys then begin the arduous task of determining whether there are any private court reporters willing and available to travel to the rural court. This reduces attorney availability to assist other eligible, low-income individuals with critical legal needs, like evictions, income maintenance, and access to health care, in regions where there are no other affordable attorneys. This Court can help alleviate the rural justice gap by ensuring that a verbatim record of civil court proceedings is available for low-income litigants when a court-provided court reporter is not available by requiring the use of electronic recording.

B. Settled or Agreed Statements Are Not Adequate Substitutes for Verbatim Records of Court Proceedings.

A verbatim record is essential for civil appeals. In order to raise an issue on appeal that “requires consideration of the oral proceedings in the superior court,” the record must include either a reporter’s transcript, an agreed statement, or a settled statement. (Cal. Rules of Court, rule 8.120(b).) Both an agreed statement and a settled statement require a recitation of the facts needed to decide the appeal. (Cal. Rules of Court, rules 8.134(a) and 8.137(d).) This Court recognized that an agreed or settled statement is not an effective substitute for a reporter’s transcript for appellate review. (*Jameson v. Desta, supra*, 5 Cal.5th at p. 622, fn. 20.) A settled or agreed statement is also far less reliable than an audio recording because it relies on contemporaneous notes of trial counsel. And, if the parties disagree about the facts, a transcript of the oral proceedings is the only reliable record. (See *In re Armstrong* (1981) 126 Cal.App.3d 565, 573 [“where the parties are not

in agreement, and the settled statement must depend upon fading memories or other uncertainties, it will ordinarily not suffice”].)

Because there are not enough legal aid lawyers to represent all low-income civil litigants in LSNC’s vast geographic service area, the majority of low income people with civil legal problems in rural Northern California must represent themselves. Self-represented litigants face great difficulty appealing because they typically will not have a verbatim record of the proceedings due to the court reporter shortage. This means the settled or agreed statement is often the only path to preserving the record on appeal. The settled or agreed statement process is complicated for attorneys and even more so for self-represented litigants, who may not have taken extensive notes during the court proceedings. As a result, self-represented litigants are effectively deprived of the opportunity to appeal. This Court can provide a solution by requiring the use of electronic recording for low-income civil litigants when a court-provided court reporter is not available.

CONCLUSION

This Court can resolve the current unequal treatment of civil litigants in California who need verbatim records of their civil court proceedings. Verbatim records are imperative for understanding case details and for meaningful appellate review. Although some individual county courts may permit electronic recording, access to a verbatim record should not be decided at the time of the hearing or trial at the whim of the local court. There appears to be no downside to providing equal access to verbatim records by mandating that courts use electronic recordings in civil proceedings for low-income litigants where a court-provided court reporter is unavailable. Amicus curiae Legal Services of Northern California respectfully requests that this Court remedy this injustice by granting the

relief requested by Family Violence Appellate Project and Bay Area Legal Aid.

Dated: April 4, 2025

Respectfully submitted,



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**CERTIFICATE OF COMPLIANCE PURSUANT TO
CAL. R. CT. 8.204 AND 8.520**

Pursuant to California rules of Court 8.204 and 8.520(b), (c) and (h) and in reliance upon the word count feature of the Microsoft Word for Office 365 which was used to prepare this document, I certify that the foregoing Brief of Amicus Curiae Legal Services of Northern California in Support of Petitioners Family Violence Appellate Project and Bay Area Legal Aid contains 4,238 words exclusive of those materials not required to be counted under Rule 8.520(c)(3).

DATED: April 4, 2025

By: 
Alysa Meyer

DECLARATION OF ELECTRONIC SERVICE

Case Name: *Family Violence Appellate Project and Bay Area Legal Aid v. Superior Courts of California, Counties of Contra Costa, Los Angeles, Santa Clara, and San Diego*

Case No.: S288176

I, April Battaglia, declare that I am a resident of Sacramento County, California. I am over the age of 18 and not a party to this case. My business address is 517 12th Street, Sacramento, CA, 95814.

On April 4, 2025, I electronically served APPLICATION FOR LEAVE TO FILE AND BRIEF OF AMICUS CURIAE LEGAL SERVICES OF NORTHERN CALIFORNIA IN SUPPORT OF PETITIONERS FAMILY VIOLENCE APPELLATE PROJECT and BAY AREA LEGAL AID by transmitting a true copy via this Court's TrueFiling system on the following:

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111 North Hill Street
Los Angeles, CA 90012

Hon. Beth McGowen, Presiding Judge
Hon. Julie A. Emede, Presiding Judge-Elect
Rebecca Fleming, Chief Executive Officer
Superior Court of Santa Clara County
191 North First Street
San Jose, CA 95113

Mark Yohalem
Wilson Sonsini Goodrich & Rosati PC
953 East Third Street,
Suite 100 Los Angeles, CA 90013
Telephone: (323) 210-2900

Hon. Maureen F. Hallahan, Presiding Judge
Hon. Michael S. Groch, Assistant Presiding Judge
Michael M. Roddy, Court Executive Officer/Clerk
Superior Court of San Diego County
Central Courthouse
1100 Union Street
San Diego, CA 92101

Robin B. Johansen
Olson/Remcho,
1901 Harrison St, Ste 1550
Oakland, CA 94612-3597
The Legislature of State of California:
Real Party in Interest

Rob Bonta
Attorney General of California
State of California Department of Justice
1300 I Street, Suite 1740
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed on April 4, 2025, at Sacramento, California.



April Battaglia

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **FAMILY VIOLENCE APPELLATE PROJECT v. S.C. (THE LEGISLATURE OF THE STATE OF CALIFORNIA)**

Case Number: **S288176**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **ameyer@lsnc.net**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
APPLICATION	LSNC Amicus 4.4.25

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Ann Taylor Court Counsel	ataylor@lacourt.org	e-Serve	4/8/2025 4:30:56 PM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

4/8/2025

Date

/s/April Battaglia

Signature

Meyer, Alysa (173655)

Last Name, First Name (PNum)

Legal Services of Northern California

Law Firm