



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 13, 2006

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3126
Sacramento, California 95814

Subject: AB 2305 (Klehs), as introduced, February 22, 2006 – Oppose unless funded and amended.
Hearing: Assembly Judiciary Committee – April 18, 2006

Dear Assembly Member Jones:

The Judicial Council opposes AB 2305, unless it is funded and amended to 1) exempt courts from the proposed 18 percent and 50 percent rate differentials; 2) to address concerns about the standard page format that is proposed in the bill; and 3) address access to justice issues that arise because low income litigants cannot afford to purchase transcripts.

Existing law provides that the fee for transcription is calculated by a word or folio rate currently set as follows: original ribbon or printed copy is \$.85 for each 100 words, and for each copy purchased at the same time, \$.15 for each 100 words. This bill would provide that transcript fees are calculated by page rate and would set the rate at \$3.57 for each original printed copy and \$.63 for each copy. The amount of the transcript rate is a policy issue for the Legislature's consideration; however the Judicial Council believes that any increase must be fully funded and not impact any new funding already provided to courts through the annual state budget process.

In addition to the council's concern that courts not be required to absorb the proposed increase within their existing budgets, the Judicial Council is also concerned about the ability of low income litigants to pay for the increased costs of transcripts. This issue is of particular concern in the family law arena, where litigants are often unrepresented and are therefore not eligible to access the Transcript Reimbursement Fund that has been established for the indigent. The Judicial Council recommends that the Legislature consider strategies to minimize the impact of AB 2305 on low income litigants.

This bill would also set the fee for a transcript in civil matters or upon order of the court at 18 percent per page above the fees described above (\$3.57 and \$.63). The Judicial Council requests an amendment to AB 2305 to exempt courts from paying a higher rate for civil transcripts. Courts do not purchase large numbers of civil transcripts so this amendment should not impact the income of individual reporters, but in the aggregate could have a significant impact on the courts' budgets.

AB 2305 also proposes to expand the additional 50 percent fee for daily copy service to criminal transcripts. The majority of criminal transcripts are purchased by courts and the daily copy service is most likely to occur in death penalty cases. Similar to the 18 percent differential issue described above, the Judicial Council requests an amendment to AB 2305 that will exempt the courts from the 50 percent charge for daily copy service.

Finally, the Judicial Council is concerned with the shift to a page rate and the standard page format that is proposed in AB 2305. Current law sets the transcript fees by word rates. However, because it is not practical to count the words on every page of a transcript, most courts decide on a typical page amount, such as 250 words per page, and agree to a multiplier to calculate the rate. The multiplier is multiplied by existing word rates and multipliers range from 2.5 to 3.3. Some courts negotiate the multiplier in their memoranda of understanding with the reporters. The format, or physical appearance, of the certified verbatim transcript varies significantly by court and even among official reporters in the same court.

In February 2005, the Judicial Council's Reporting of the Record Task Force issued its final report recommending a uniform format for paper and electronic transcripts of court proceedings per the specifications included in the report. The recommendation included margin spacing, font size, and header and footer size. The sponsors of AB 2305 have included some, but not all, of the specifics recommended by the task force. The Judicial Council requests that the author and sponsors of AB 2305 continue to discuss the proposed standard page format changes, including further consideration of moving towards providing the courts with digital copies of transcripts. The council believes that as technology in this area improves, a true word count is the most equitable rate calculation for courts, court reporters, and litigants.

Sincerely,



Eraina Ortega
Manager

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cc: Members, Assembly Judiciary Committee
Ms. Sue Blake, Assistant Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Mr. Kevin Baker, Staff Counsel, Assembly Judiciary Committee