



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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

WILLIAM C. VICKREY
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RONALD G. OVERHOLT
Chief Deputy Director

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 19, 2007

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 582 (Evans), as amended April 10, 2007 – Oppose, unless amended and funded
Hearing: Assembly Judiciary Committee – April 24, 2007

Dear Assembly Member Jones:

The Judicial Council opposes AB 582, unless amended and funded. AB 582 increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount, and then increases the fee annually by the Consumer Price Index for All Urban Consumers (CPI).

In April 2002, the Judicial Council created the Reporting of the Record Task Force, charged with evaluating how court reporting services are provided. In February 2005, the Reporting of the Record Task Force issued its final report. Among other things, the report recommended a specified uniform format for paper and electronic transcripts of court proceedings. These recommendations included the number of characters per line and lines per page, font style and size, margins and tabs, and footers, and methods for identifying common events and common speakers. None of the recommendations of that report have been implemented. This legislation simply increases the folio rate for transcripts without adopting any of the task force recommendations to improve the uniformity and consistency of how transcripts are produced. By creating a uniform, consistent format, the courts and others who purchase transcripts will have a better understanding of what they are paying for and ensuring that the fees charged are

appropriate. We have had productive preliminary conversations with the author on this matter, and look forward to continuing discussions to reach consensus on the uniform look of transcripts.

The Judicial Council is also concerned about the impact of AB 582 on Californians' meaningful access to justice. Assembly Bill 582 would further hinder the ability of low-income civil litigants to gain access to critically needed transcripts. The Judicial Council therefore must oppose AB 582 unless it is amended to address the impact on access to justice. In order to minimize the impact on low-income litigants, electronic recording should be permitted in critical case types, such as family law. If there are no court reporters available to sit in a family law courtroom, for example, the litigant will be unable to prepare a judgment after hearing, appeal a matter effectively, or have an enforceable order. Therefore, it must be provided that if an official reporter or official reporter pro tempore is unavailable, the court may permit certain proceedings to be recorded using electronic recording equipment. Additionally, the Judicial Council believes access to the Transcript Reimbursement Fund must be expanded to minimize the impact of this bill on low-income litigants. Under current law, a portion of dues paid by court reporters to the Court Reporters Board are deposited in the Transcript Reimbursement Fund. The fund is available to indigent litigants, but only those represented by a qualified legal services entity. And even if currently represented, litigants who represented themselves at any stage in the proceedings do not qualify for the transcript reimbursement fund.

Additionally, in criminal matters, courts purchase one original transcript and two copies (more if there are multiple defendants). Approximately \$24 million is currently paid for the cost of these transcripts. The council therefore opposes the bill unless it is amended to provide that it is contingent upon appropriation in the annual Budget Act, or otherwise funded. The council also opposes the bill unless funding is provided for the expansion of the costs associated with daily copy service to criminal matters.

For all of these reasons, the Judicial Council opposes AB 582. Please feel free to contact me if you have any questions.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DH/lb

cc: Members, Assembly Judiciary Committee
Hon. Noreen Evans, Member of the Assembly
Ms. Michelle Castro, Government Relations Advocate, Service Employees International Union
Mr. Kevin Baker, Committee Counsel, Assembly Judiciary Committee
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research
Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



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Director, Office of Governmental Affairs

April 19, 2007

Hon. Noreen Evans
Member of the Assembly
State Capitol, Room 3152
Sacramento, California 95814

Subject: AB 582 (Evans), as amended April 10, 2007 – Oppose, unless amended and funded
Hearing: Assembly Judiciary Committee – April 24, 2007

Dear Assembly Member Evans:

The Judicial Council opposes AB 582, unless amended and funded. AB 582 increases the fee for the original and copies of court reporter transcripts for three consecutive years by a specified amount, and then increases the fee annually by the Consumer Price Index for All Urban Consumers (CPI).

In April 2002, the Judicial Council created the Reporting of the Record Task Force, charged with evaluating how court reporting services are provided. In February 2005, the Reporting of the Record Task Force issued its final report. Among other things, the report recommended a specified uniform format for paper and electronic transcripts of court proceedings. These recommendations included the number of characters per line and lines per page, font style and size, margins and tabs, and footers, and methods for identifying common events and common speakers. None of the recommendations of that report have been implemented. This legislation simply increases the folio rate for transcripts without adopting any of the task force recommendations to improve the uniformity and consistency of how transcripts are produced. By creating a uniform, consistent format, the courts and others who purchase transcripts will have a better understanding of what they are paying for and ensuring that the fees charged are

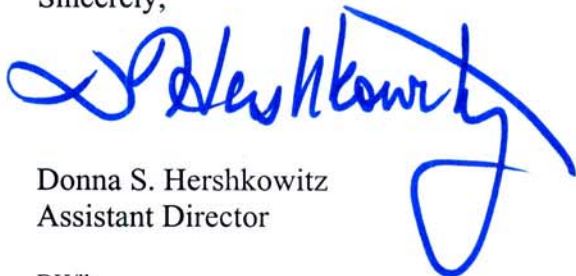
appropriate. We appreciate your willingness to consider amendments to this bill to address this issue. We look forward to continuing discussions to reach consensus on the uniform look of transcripts.

The Judicial Council is also concerned about the impact of AB 582 on Californians' meaningful access to justice. Assembly Bill 582 would further hinder the ability of low-income civil litigants to gain access to critically needed transcripts. The Judicial Council therefore must oppose AB 582 unless it is amended to address the impact on access to justice. In order to minimize the impact on low-income litigants, electronic recording should be permitted in critical case types, such as family law. If there are no court reporters available to sit in a family law courtroom, for example, the litigant will be unable to prepare a judgment after hearing, appeal a matter effectively, or have an enforceable order. Therefore, it must be provided that if an official reporter or official reporter pro tempore is unavailable, the court may permit certain proceedings to be recorded using electronic recording equipment. Additionally, the Judicial Council believes access to the Transcript Reimbursement Fund must be expanded to minimize the impact of this bill on low-income litigants. Under current law, a portion of dues paid by court reporters to the Court Reporters Board are deposited in the Transcript Reimbursement Fund. The fund is available to indigent litigants, but only those represented by a qualified legal services entity. And even if currently represented, litigants who represented themselves at any stage in the proceedings do not qualify for the transcript reimbursement fund.

Additionally, in criminal matters, courts purchase one original transcript and two copies (more if there are multiple defendants). Approximately \$24 million is currently paid for the cost of these transcripts. The council therefore opposes the bill unless it is amended to provide that it is contingent upon appropriation in the annual Budget Act, or otherwise funded. The council also opposes the bill unless funding is provided for the expansion of the costs associated with daily copy service to criminal matters.

For all of these reasons, the Judicial Council opposes AB 582. Please feel free to contact me if you have any questions.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DH/lb

cc: Michelle Castro, Government Relations Advocate, Service Employees International Union
Mr. Kevin Baker, Committee Counsel, Assembly Judiciary Committee
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research
Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



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May 24 2007

Hon. Mark Leno, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 582 (Evans), as proposed to be amended – Oppose, unless funded and amended
Hearing: Assembly Appropriations Committee – May 31, 2007

Dear Assembly Member Leno:

The Judicial Council opposes AB 582, unless funded and amended. AB 582 increases the fee for the original and copies of court reporter transcripts for three consecutive years by an unspecified amount, and then increases the fee annually by the Consumer Price Index (CPI).

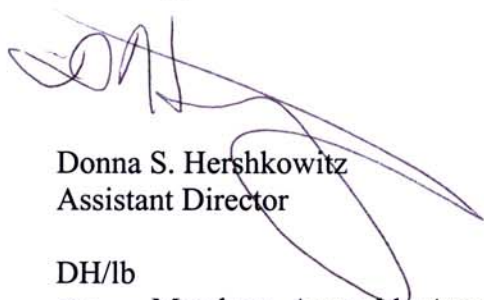
The Judicial Council must oppose this bill unless funded and amended. In criminal matters, courts purchase one original transcript and two copies (more if there are multiple defendants). Approximately \$24 million is currently paid for the cost of these transcripts. The bill also specifies an additional cost for daily copy service and, unlike current law, expands this additional cost to criminal matters, imposing an additional cost to the courts to purchase transcripts. Although the current version of the bill does not specify the precise amount of the transcript rate increase, the stated intention of the bill is to increase compensation for transcripts, and earlier proposals included in this bill would have resulted in substantial increased costs to the courts for transcripts. The Judicial Council therefore opposes the bill unless it is amended to provide that it is contingent upon funding being provided in the annual Budget Act.

Hon. Mark Leno, Chair
May 24 2007
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We have been working closely with the author and sponsor to address concerns about the uniformity of transcripts, as well as ensuring that proper steps are taken to minimize the impact of the increase in the cost of transcripts on low-income litigants and their access to justice. We appreciate the willingness of the author and sponsor to work with us to address these issues, and although all of our concerns have not been fully resolved, we are hopeful that we will come to resolution on those outstanding uniformity and access issues.

For all of these reasons, the Judicial Council opposes AB 582. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in purple ink, appearing to read 'Donna S. Hershkowitz', is written over the typed name and title.

Donna S. Hershkowitz
Assistant Director

DH/lb

cc: Members, Assembly Appropriations Committee
Hon. Noreen Evans, Member of the Assembly
Mr. Kevin Baker, Committee Counsel, Assembly Judiciary Committee
Ms. Michelle Castro, Government Relations Advocate, Service Employees International Union
Mr. Allan Cooper, Senior Consultant, Assembly Republican Fiscal Office
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research
Mr. Chuck Nicol, Consultant, Assembly Appropriations Committee
Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy