



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 12, 2016

Hon. Lorena S. Gonzalez, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2629 (Hernández), as amended April 20, 2016 – Fiscal Impact
Statement

Dear Assembly Member Gonzalez:

AB 2629, if enacted, would increase, over a period of five years from enactment, the rate at which court reporters would be compensated for original transcripts, and copies of original transcripts of court proceedings. The bill would provide that on or after January 1, 2021, the fee for an original transcript is \$1.24 for each 100 words, and for each copy purchased at the same time, \$.22 for each 100 words; the cost for first copy transcripts not purchased at the time of the purchase of the original transcript, the cost is \$.29 per 100 words, and for each additional copy the cost is \$.22 for each 100 words.

Fiscal Impacts

AB 2629 seeks to increase the rates for court reporter transcripts by 46%¹ over five years. In the last year for which we have complete data on the courts' expenditures on court reporter

¹ Based on the schedule provided in the bill, the actual increases projected for each transcript would be as follows:

- Original transcripts would increase from \$.85 to \$1.24 per 100 words (45.8%)

transcripts, California's trial courts spent \$19,376,453. An increase of 46%, as proposed in AB 2629, would result in annual expenditures of \$28,095,857, an increase of more than \$8.7 million. In the first two years of the bill, transcript costs would increase to \$22,132,753, an increase of 14.225% (\$2,756,300) should AB 2629 be signed into law. The increases in costs for transcripts as proposed in AB 2629 over the next five years² should the legislation be enacted, likely will outpace any increases in annual trial court budget augmentations. In the previous two years, for example, courts have received a cumulative 10% increase (5% in each of the two fiscal years, FY 2014-15, and FY 2015-16). The Governor's proposed 2016-17 judicial branch budget includes a 1% trial court budget augmentation. Combined, these budget augmentations would not meet the 14.225% cost increases proposed in AB 2629 in the first two years.

Charging courts and other interested parties for transcripts is only one way in which court reporters are compensated for their work. In California, 48 out of the 58 courts (83%) have at least one court reporter on staff. As staff, these court reporters receive wages and benefits in addition to income from transcript fees. As of the beginning of FY 2015-16³, the courts employed 1,320.16 FTE court reporters statewide who made an average base salary of \$93,926. The ten largest courts⁴ employed 75% of the state's employee court reporters at an average base salary of \$99,203 (\$151,551 including benefits).

-
- Copies purchased at the time of original transcript would increase from \$.15 to \$.22 per 100 words (46.6%)
 - 1st copies purchased after the original transcript would increase from \$.20 to \$.29 per 100 words (45%)
 - Additional copies after the original transcript would increase from \$.15 to \$.22 per 100 words (46.6%)

² In calendar years 2017 and 2018, the increases will be 14.225%. In calendar years 2019 and 2020 the increases will be an additional 15.875%. And in 2021, the increase will be 10.3%.

³ Schedule 7A data, in which trial court staff positions, wages and vacancies are reported, is submitted to the Judicial Council in anticipation of the each new fiscal year. 7A data for each court can be found online here: <http://www.courts.ca.gov/7552.htm>

⁴

	<u>Court</u>	<u>FTEs</u>	<u>Avg. Salary</u>	<u>Avg Sal + Bens</u>
1.	Los Angeles	426	\$94,946	\$141,181
2.	Orange	79.88	\$100,222	\$147,286
3.	San Diego	79	\$95,643	\$159,700
4.	Riverside	75.6	\$103,360	\$140,060
5.	San Bernardino	66	\$95,736	\$135,616
	Top 5 subtotal:	726.48 (55%)	\$97,981	\$144,769
6.	Sacramento	65.5	\$97,225	\$150,548
7.	Santa Clara	62	\$96,833	\$157,385
8.	Alameda	58.78	\$92,341	\$147,839
9.	San Francisco	41	\$119,132	\$181,046
10.	Contra Costa	37.1	\$96,601	\$154,852
	Next 5 subtotal:	264.38 (20%)	\$100,426	\$158,334
	TOP 10 TOTALS	990.86 (75%)	\$99,203	\$151,551

Hon. Lorena S. Gonzalez

May 12, 2016

Page 3

It's important to note that at current workloads and levels of filings, California's trial courts are underfunded by as much as \$400 million.

Please contact me if you have questions about the information contained in this letter.

Sincerely,



Cory T. Jasperson

Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Assembly Appropriations Committee
Hon Roger Hernández, Member of the Assembly
Mr. Pedro Reyes, Chief Consultant, Assembly Appropriations Committee
Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Anthony Lew, Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Tiffany Garcia, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

June 17, 2016

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, California 95814

Subject: AB 2629 (Hernández), as amended May 31, 2016 – Oppose, unless
amended and funded
Hearing: Senate Judiciary Committee – June 28, 2016

Dear Senator Jackson:

The Judicial Council opposes AB 2629, unless funded and amended to allow for uniform statewide pricing structures. AB 2629, if enacted, would increase, over a period of five years from enactment, the rate at which court reporters would be compensated for original transcripts, and copies of original transcripts of court proceedings. The bill would provide that on or after January 1, 2021, the fee for an original transcript is \$1.13 for each 100 words, and for each copy purchased at the same time, \$.22 for each 100 words; the cost for first copy transcripts not purchased at the time of the purchase of the original transcript, the cost is \$.29 per 100 words, and for each additional copy the cost is \$.22 for each 100 words.

Policy Impacts

As originally drafted, AB 2629 would have created statewide consistency in the cost of court reporters' transcripts. Each county would have been subject to the same increase in costs,

allowing the branch as a whole to effectively attempt to predict the costs, and consequently, to plan and budget for them. The reintroduction of paragraph (c) in each subsequent version of Government Code section 69950 eliminates this consistency and reinstates the current, county-by-county negotiated transcript rates that have hampered statewide budgeting efforts. As the judicial branch has moved to a statewide funding model, this anachronistic hodgepodge of transcript rates has hampered attempts to effectively and consistently predict budget outlays and requirements. Should AB 2629 pass and become law, thereby increasing the transcript fees statewide, it is a perfect opportunity to allow for the consistent budgetary predictability that statewide funding requires.

Because the Judicial Council is concerned with the fiscal impact the bill will have on the branch, as discussed in more detail below, the council also opposes AB 2629 unless funding for the increased cost for transcripts is provided. As an alternative to an appropriation in the bill itself, the council could withdraw its opposition to the measure if the implementation of the transcript fee increases are made contingent upon an appropriation in the annual budget act.

Fiscal Impacts

AB 2629 seeks to increase the rates for court reporter transcripts by 42% over five years.¹ In the last year for which we have complete data on the courts' expenditures on court reporter transcripts, California's trial courts spent \$19,376,453. An increase of 42%, as proposed in AB 2629, would result in annual expenditures of \$27,664,730, an increase of more than \$8.2 million. In the first two years of the bill, transcript costs would increase to \$22,132,753, an increase of 12.75% (\$2,470,498) should AB 2629 be signed into law.

Charging courts and other interested parties for transcripts is only one way in which court reporters are compensated for their work. In California, 48 out of the 58 courts (83%) have at least one court reporter on staff. As staff, these court reporters receive wages and benefits in addition to income from transcript fees. As of the beginning of FY 2015–16, the courts employed 1,320.16 FTE court reporters statewide who made an average base salary of \$93,926.² The ten

¹ Based on the schedule provided in the bill, the actual increases projected for each transcript would be as follows:

- Original transcripts would increase from \$.85 to \$1.13 per 100 words (32.9%)
- Copies purchased at the time of original transcript would increase from \$.15 to \$.22 per 100 words (46.6%)
- 1st copies purchased after the original transcript would increase from \$.20 to \$.29 per 100 words (45%)
- Additional copies after the original transcript would increase from \$.15 to \$.22 per 100 words (46.6%)

² Schedule 7A data, in which trial court staff positions, wages and vacancies are reported, is submitted to the Judicial Council in anticipation of the each new fiscal year. 7A data for each court can be found online here:

<http://www.courts.ca.gov/7552.htm>

largest courts employed 75% of the state's employee court reporters at an average base salary of \$99,203 (\$151,551 including benefits).³

It's important to note that at current workloads and levels of filings, California's trial courts are underfunded by as much as \$400 million.

For these reasons, the Judicial Council opposes AB 2629, unless amended to allow for uniform statewide pricing structures and funded.

Please contact me if you have questions about the information contained in this letter.

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

CTJ/AL/ANH/yc-s

cc: Members, Senate Judiciary Committee
Hon. Roger Hernández, Member of the Assembly
Mr. Ignacio Hernandez, Hernandez Strategies Group, California Court Reporters Assoc.
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Mr. Mark McKenzie, Staff Director, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Tiffany Garcia, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

³	<u>Court</u>	<u>FTEs</u>	<u>Avg. Salary</u>	<u>Avg Sal + Bens</u>
1.	Los Angeles	426	\$94,946	\$141,181
2.	Orange	79.88	\$100,222	\$147,286
3.	San Diego	79	\$95,643	\$159,700
4.	Riverside	75.6	\$103,360	\$140,060
5.	San Bernardino	66	\$95,736	\$135,616
	Top 5 subtotal:	726.48 (55%)	\$97,981	\$144,769
6.	Sacramento	65.5	\$97,225	\$150,548
7.	Santa Clara	62	\$96,833	\$157,385
8.	Alameda	58.78	\$92,341	\$147,839
9.	San Francisco	41	\$119,132	\$181,046
10.	Contra Costa	37.1	\$96,601	\$154,852
	Next 5 subtotal:	264.38 (20%)	\$100,426	\$158,334
	TOP 10 TOTALS	990.86 (75%)	\$99,203	\$151,551



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 9, 2016

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 2629 (Hernández), as amended May 31, 2016 – Fiscal Impact
Statement
Hearing: Senate Appropriations Committee – August 1, 2016

Dear Senator Lara:

AB 2629, if enacted, would increase, over a period of five years from enactment, the rate at which court reporters would be compensated for original transcripts, and copies of original transcripts of court proceedings. The bill would provide that on or after January 1, 2021, the fee for an original transcript is \$1.13 for each 100 words, and for each copy purchased at the same time, \$.22 for each 100 words; the cost for first copy transcripts not purchased at the time of the purchase of the original transcript, the cost is \$.29 per 100 words, and for each additional copy the cost is \$.22 for each 100 words.

Policy considerations that impact the fiscal analysis

As originally drafted, AB 2629 would have created statewide consistency in the cost of court reporters' transcripts. Each county would have been subject to the same increase in costs, allowing the branch as a whole to effectively attempt to predict the costs, and consequently, to

plan and budget for them. The reintroduction of paragraph (c) in each subsequent version of Government Code section 69950 eliminates this consistency and reinstates the current, county-by-county negotiated transcript rates that have hampered statewide budgeting efforts. As the judicial branch has moved to a statewide funding model, this hodgepodge of transcript rates has hampered attempts to effectively and consistently predict budget outlays and requirements. Should AB 2629 pass and become law, thereby increasing the transcript fees statewide, it is a perfect opportunity to allow for the consistent budgetary predictability that statewide funding requires.

Because the Judicial Council is concerned with the fiscal impact the bill will have on the branch, as discussed in more detail below, the council also opposes AB 2629 unless funded to accommodate the increased costs of transcripts. The council could withdraw its opposition to the measure if the implementation of the transcript fee increases are made contingent upon annual appropriations in the Budget Act.

Detailed fiscal analysis

AB 2629 seeks to increase the rates for court reporter transcripts over five years.¹ Over the last three years, California trial courts' average annual expenditures for court reporter transcripts has been \$20,538,267.² To calculate the potential impact of AB 2629 on trial courts, we have estimated the increase of AB 2629 to be 37.46 percent over five years.³ Such an increase would ultimately result in annual expenditures of more than \$28.2 million, an increase of approximately

¹ Based on the schedule provided in the bill, the actual increases projected for each transcript would be as follows:

- Original transcripts would increase from \$.85 to \$1.13 per 100 words (32.9%)
- Copies purchased at the time of original transcript would increase from \$.15 to \$.22 per 100 words (46.6%)
- 1st copies purchased after the original transcript would increase from \$.20 to \$.29 per 100 words (45%)
- Additional copies after the original transcript would increase from \$.15 to \$.22 per 100 words (46.6%)

² This information was compiled from data reported by the trial courts from their fourth quarter Quarterly Financial Statements for fiscal years 2012-13, 2013-14, and 2014-15. Quarterly Financial Statement data can be found online here: <http://www.courts.ca.gov/7552.htm>.

³ While the average of the increases proposed by AB 2629 is 42.775% ($32.9+46.6+45+46.6=171.1\div4$), the Judicial Council believes that greater weight should be given to the original transcript fees. This is based on two important considerations: first, original transcripts are more than five and a half times more costly than the other transcript fees; and, second, there is no data on the precise number of each kind of transcript purchased by each court. In the absence of the specific number of original transcripts purchased as compared to any of the other categories, and relying on anecdotal data from the courts and the court reporters, it seems most likely that original transcripts are the most frequently purchased by the courts.

Under current law, original transcript fees are 5.663 times more costly than are copies. Using 5.663 as the multiplier, our calculations are as follows (see FN 1 for the percentages used in the calculation, below):

$32.9\% \times 5.663 = 186.31\% + 46.6\% + 45.0\% + 46.6\% = 324.51\% \div 8.663$ (5.663, which is the multiplier, added to three, representing the three other values, providing an overall weighted average in favor of the original transcripts) = 37.46%.

\$7.7 million. In just the first two years (through December 2018) should the bill be signed into law, transcript costs would increase to \$22.9 million, an increase of 11.85 percent (\$2.4 million).

Charging courts and other interested parties for transcripts is only one way in which court reporters are compensated for their work. In California, 48 out of the 58 courts (83%) have at least one court reporter on staff. As staff, court reporters receive wages and benefits in addition to income from transcript fees. As of the beginning of FY 2015–16, the courts employed 1,320.16 FTE court reporters statewide who made an average base salary of \$93,926.⁴ The ten largest courts employed 75 percent of the state's employee court reporters at an average base salary of \$99,203 (\$151,551 including benefits).⁵

It's important to note that at current workloads and levels of filings, California's trial courts are underfunded by as much as \$400 million. Moreover, trial court operations, in addition to statewide court construction funds, are facing significant decreases in available resources as a result of reduced filings and reductions in fines and penalties. The fiscal impacts presented here would be in addition to the existing cost burdens faced by the judicial branch.

Please contact Andi Liebenbaum if you have questions about the information contained in this letter at andi.liebenbaum@jud.ca.gov or 916-323-3121.

Sincerely,



Cory T. Jasperson
Director, Governmental Affairs

⁴ Schedule 7A data, in which trial court staff positions, wages and vacancies are reported, is submitted to the Judicial Council in anticipation of the each new fiscal year. 7A data for each court can be found online here: www.courts.ca.gov/7552.htm

⁵

	<u>Court</u>	<u>FTEs</u>	<u>Avg. Salary</u>	<u>Avg Sal + Bens</u>
1.	Los Angeles	426	\$94,946	\$141,181
2.	Orange	79.88	\$100,222	\$147,286
3.	San Diego	79	\$95,643	\$159,700
4.	Riverside	75.6	\$103,360	\$140,060
5.	San Bernardino	66	\$95,736	\$135,616
	Top 5 subtotal:	726.48 (55%)	\$97,981	\$144,769
6.	Sacramento	65.5	\$97,225	\$150,548
7.	Santa Clara	62	\$96,833	\$157,385
8.	Alameda	58.78	\$92,341	\$147,839
9.	San Francisco	41	\$119,132	\$181,046
10.	Contra Costa	37.1	\$96,601	\$154,852
	Next 5 subtotal:	264.38 (20%)	\$100,426	\$158,334
	TOP 10 TOTALS	990.86 (75%)	\$99,203	\$151,551

Hon. Ricardo Lara

August 9, 2016

Page 4

CTJ/AL/ANH/yc-s

cc: Members, Senate Appropriations Committee
Hon. Roger Hernández, Member of the Assembly
Mr. Ignacio Hernandez, Hernandez Strategies Group, California Court Reporters Assoc.
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office Policy
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Emma Jungwirth, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 7, 2016

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2629 (Hernández) – Request for Veto

Dear Governor Brown:

The Judicial Council of California opposes AB 2629 (Hernández) and respectfully asks that you veto this bill.

AB 2629, if enacted, would increase, over five years, the rate at which court reporters would be compensated for original transcripts, and copies of original transcripts of court proceedings. The bill would provide that on or after January 1, 2021, the fee for an original transcript is \$1.13 for each 100 words, and for each copy purchased at the same time, \$.20 for each 100 words; for first copy transcripts not purchased at the time of the purchase of the original transcript, the cost is \$.26 per 100 words, and for each additional copy the cost is \$.20 for each 100 words. The bill provides for a phasing in of these increases. For the two-year period from January 1, 2017 (the presumed date of enactment of this bill) through December 31, 2018, the rates for the above-described transcripts would increase from \$.85 to \$.93 (a 9.4% increase) for original transcripts, from \$.15 to \$.16 (a 6.6% increase) for all copies purchased with originals, and from \$.20 to \$.21 (a 5.0% increase) for all first copy originals not purchased at the time of the original transcript purchase.

The increases are represented in this graph:

	Current	Jan. 2017 – Dec. 2018	Jan. 2019 – Dec. 2020	Jan. 2021 on-going
Original printed transcript per 100 words	.85	.93 (+9.4%)	\$1.03 (+10.7%)	\$1.13 (+9.7%)
Copy of original transcript purchased at same time as original per 100 words	.15	.16 (+6.6%)	.18 (+12.5%)	.20 (+11.1%)
Subsequent 1 st copy per 100 words	.20	.21 (+5.0%)	.23 (+9.5%)	.26 (+13.0%)
Copy of subsequent 1 st copy purchased at same time per 100 words	.15	.16 (+6.6%)	.18 (+12.5%)	.20 (+11.1%)
<i>Total estimated cost increases</i>		\$1.7 million	\$4.2 million	\$6.7 million

Fiscal analysis

AB 2629 seeks to increase the rates for court reporter transcripts over five years.¹ Over the last three years, California trial courts' average annual expenditures for court reporter transcripts has been \$20,538,267.² To calculate the potential impact of AB 2629 on trial courts, we have estimated the increase of AB 2629 to be 32.65 percent over five years.³ Such an increase would ultimately result in annual expenditures of more than \$27.2 million, an increase of approximately \$6.7 million. In just the first two years (through December 2018), transcript costs would increase to \$22.3 million, an increase of \$1.7 million.

¹ Based on the schedule provided in the bill, the actual increases projected for each transcript would be as follows:

- Original transcripts would increase from \$.85 to \$1.13 per 100 words (32.9%)
- Copies purchased at the time of original transcript would increase from \$.15 to \$.20 per 100 words (33.3%)
- 1st copies purchased after the original transcript would increase from \$.20 to \$.26 per 100 words (30%)
- Additional copies after the original transcript would increase from \$.15 to \$.20 per 100 words (33.3%)

² This information was compiled from data reported by the trial courts from their fourth quarter Quarterly Financial Statements for fiscal years 2012-13, 2013-14, and 2014-15. Quarterly Financial Statement data can be found online here: www.courts.ca.gov/7552.htm.

³ While the average of the increases proposed by AB 2629 is 32.375% ($32.9+33.3+30.0+33.3=129.5\div 4$), greater weight should be given to the original transcript fees. This is based on two important considerations: first, original transcripts are five and a half times more costly than the other transcript fees; and, second, there is no data on the precise number of each kind of transcript purchased by each court. In the absence of the specific number of original transcripts purchased as compared to any of the other categories, and relying on anecdotal data from the courts and the court reporters, it seems most likely that original transcripts are the most frequently purchased by the courts.

Under current law, original transcript fees are 5.66 times more costly than are copies. Under the proposed transcript cost structure, that difference narrows to 5.65. Using 5.65 as the multiplier, our calculations are as follows (see FN 1 for the percentages used in the calculation, below):

$32.9\% \times 5.65 = 185.885\% + 33.3\% + 30.0\% + 33.3\% = 282.485\% \div 8.65$ (5.65, which is the multiplier, added to three, representing the three other values, providing an overall weighted average in favor of the original transcripts) = 32.65%.

Charging courts and litigants for transcripts is only one way in which court reporters are compensated for their work. In California, 48 out of the 58 courts (83%) have at least one court reporter on staff. As staff, court reporters receive wages and benefits *in addition to income* from transcript fees. As of the beginning of FY 2015–16, the courts employed 1,320.16 FTE court reporters statewide with an average base salary of \$93,926 per year.⁴ The ten largest courts employed 75 percent of the state’s employee court reporters at a higher average base salary of \$99,203 per year (which increases to \$151,551 including benefits).⁵

Policy considerations

The Judicial Council opposes AB 2629 because it does not include funding to accommodate the increased costs explained above, and provide for uniform transcript costs statewide. Despite unfunded cost concerns regarding the proposed increase in transcript fees, the bill as amended on April 20, 2016 would at least have created a statewide level playing field in the cost of court reporter transcripts. All 58 courts, and the court users who rely on and pay for transcripts, would have benefited from the same transcript costs statewide, allowing the branch as a whole to effectively attempt to predict transcript costs, and consequently, to help courts plan and budget for them. However, in the May 31, 2016 amendments, subparagraph (c) was reinserted (language that previously had been stricken in earlier versions of the bill), and appears in each subsequent version of amended Government Code section 69950. This language, which is included in the final version of the bill, eliminates the consistency that AB 2629 originally proposed, and reinstates language that provides for county-by-county negotiated transcript rates; these differing rates hamper statewide budgeting efforts. It’s important to note that there are 94 court reporter-specific code sections⁶ that require court reporters to be compensated, hired, managed, and assigned differently across the state, including at least two counties in which transcript payments

⁴ Schedule 7A data, in which trial court staff positions, wages and vacancies are reported, is submitted to the Judicial Council in anticipation of each new fiscal year. 7A data for each court can be found online here: www.courts.ca.gov/7552.htm

⁵	<u>Court</u>	<u>FTEs</u>	<u>Avg. Salary</u>	<u>Avg Sal + Bens</u>
1.	Los Angeles	426	\$94,946	\$141,181
2.	Orange	79.88	\$100,222	\$147,286
3.	San Diego	79	\$95,643	\$159,700
4.	Riverside	75.6	\$103,360	\$140,060
5.	San Bernardino	66	\$95,736	\$135,616
	Top 5 subtotal:	726.48 (55%)	\$97,981	\$144,769
6.	Sacramento	65.5	\$97,225	\$150,548
7.	Santa Clara	62	\$96,833	\$157,385
8.	Alameda	58.78	\$92,341	\$147,839
9.	San Francisco	41	\$119,132	\$181,046
10.	Contra Costa	37.1	\$96,601	\$154,852
	Next 5 subtotal:	264.38 (20%)	\$100,426	\$158,334
	TOP 10 TOTALS	990.86 (75%)	\$99,203	\$151,551

⁶ Beginning with Article 9 (Official Reporters Generally) and ending with Article 12.8 (Official Reporters and Fees in Counties With a Population of 120,000 to 130,000) in the Government Code, there are 94 different code sections that distinguish courts by name, geography or county population and that require courts to manage court reporter compensation, mandated reporting case types, authority to set pay rates, and a host of other issues differently from one court to the next.

to court reporters are included as part of retirement benefit calculations.⁷ These differences are carried-over vestiges of court management from the period prior to trial court unification and state funding. As the judicial branch has moved to a statewide funding model, these county-by-county differences are outdated and should be eliminated.

AB 2629 also includes a reporting requirement that is overly restrictive, and appears to prejudice the outcome by disallowing any recommendations that would “reduce the rate of pay or overall compensation to reporters, or jeopardize collective bargaining agreements.” Ironically, the overall stated goal of the report, to increase uniformity in transcript rate expenditures in California, could have been accomplished by accepting the council’s proposed amendment to eliminate subsection (c) in each version of section 69950, which locks in county-by-county differences.

Finally, the council could have withdrawn its opposition to AB 2629 had the implementation of the transcript fee increases also included funding to cover the increased costs. At current workloads and levels of filings, California’s trial courts remain underfunded by as much as \$400 million. Trial court operations and statewide court construction funds are also facing multi-million dollar decreases in available resources as a result of reduced filings and reductions in the collection of fines and penalties.

Please contact Andi Liebenbaum if you have questions about the information contained in this letter at andi.liebenbaum@jud.ca.gov or 916-323-3121.

Sincerely,



Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/ANH/yc-s

cc: Hon. Roger Hernández, Member of the Assembly
Mr. Ignacio Hernandez, Hernandez Strategies Group, California Court Reporters Assoc.
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

⁷ See, for example, Government Code sections 70046.2 and 70047.1.