

# Fact Sheet: Shortage of Certified Shorthand Reporters in California



## 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 (“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 (“ER”) 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 cannot afford to pay for their own court reporter.

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

According to preliminary FY 2022–23 estimates,<sup>5</sup> courts employ approximately 1,200 FTE<sup>6</sup> court reporters. To meet minimum requirements,<sup>7</sup> it is estimated that California courts may need up to an additional 650 full-time court reporters.<sup>8</sup> In addition to court reporters employed by the courts, courts also contract with pro tempore<sup>9</sup> reporters to help meet the need.

Fifty-five of California’s 58 trial courts, representing 99.2 percent of filled FTE court reporter positions statewide, reported in a recent survey that:

- 74.5 percent of courts are actively recruiting for court reporters;
- Since July 1, 2022, 97 court reporters vacated their positions and only 46 reporters were hired, representing a net loss of 51 reporters; and
- Of the 46 new hires, 34.8 percent came from other California courts.

## 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 (1) an ever-decreasing number of California-licensed court reporters, and (2) difficulty competing with private employers in the labor market.

## Declining availability of California-licensed court reporters

There are 4,576 California-licensed court reporters residing in the state as of January 2023. However, according to the California Department of Consumer Affairs data portal,<sup>10</sup> between FY 2013–14 and FY 2020–21, the number of total licensees has declined 17.1 percent and the number of new license applications has declined 67.2 percent. Potential indicators that the number of licensees will continue to decline in the foreseeable future include:

1. Court reporters likely nearing retirement eligibility: The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 years old as of June 30, 2022.<sup>11</sup> In California, approximately 44.0 percent of all active licenses were issued at least 30 years ago.<sup>12</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> Preliminary FY 2022–23 Schedule 7A, Trial Courts’ Salary and Wages Supplement.

<sup>6</sup> “FTE” is an abbreviation of “full-time equivalent.”

<sup>7</sup> Covering all case types where a court reporter is required and ER is not authorized.

<sup>8</sup> “Need” is calculated by applying the Resource Assessment Study (RAS) 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>9</sup> Refers to an individual who is retained by the court on an intermittent or contractual basis.

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

<sup>12</sup> Department of Consumer Affairs, Licensee List (as of Jan. 2023), [www.dca.ca.gov/consumers/public\\_info/index.shtml](http://www.dca.ca.gov/consumers/public_info/index.shtml).

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2. Challenging pathway to licensure: Thirty-nine new licenses were issued statewide in 2020–21.<sup>13,14</sup> In November 2022, of the 81 individuals who applied to take the skills (Dictation) portion of California’s certified shorthand reporter exam, 25.9 percent passed (compared to 23.7 and 23.1 percent in July and March of 2022, respectively). The November 2022 exam was the first to include voice writing and four of the six voice-writing applicants passed (66.7 percent).<sup>15</sup> In March 2023, five more individuals applied to take the skills exam as voice writers.

## Compensation

Court reporters in California courts are paid, on average, 51 percent higher 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 preliminary FY 2022–23 Schedule 7A, court-employed reporters’ median total salary plus benefits is estimated to be \$184,184.<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 percent.<sup>18</sup> In 2021–22, California courts spent \$18.4 million on transcripts.<sup>19</sup>

## Current Recruitment and Retention Efforts

The 2021–22 State Budget appropriated \$30 million in ongoing funding for trial courts to increase the number of court reporters in family and civil law cases.<sup>20</sup> To increase the number of court reporters, some courts have offered increased salaries, signing bonuses, retention/longevity bonuses, and student loan forgiveness incentives. Below are the top intended uses as reported by court executive officers in a recent survey:

- |                                      |   |
|--------------------------------------|---|
| 1. Raises                            | 5. Retention bonus for existing reporters |
| 2. Salaries for new reporters        | 6. Training/tuition reimbursement         |
| 3. Signing bonuses for new reporters | 7. Finder’s fees/referrals                |
| 4. Advertising                       |   |

## Importance of the Verbatim Record

The lack of a verbatim record will “frequently be fatal” to a litigant’s ability to have an appeal decided on the merits.<sup>21</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>22</sup> Under California law, 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>23</sup>

<sup>13</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>14</sup> Only eight court reporting programs recognized by the state remain open, [www.courtreportersboard.ca.gov/applicants/examstats\\_112022.pdf](http://www.courtreportersboard.ca.gov/applicants/examstats_112022.pdf). 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>15</sup> Court Reporters Board, School Examination Statistics, [www.courtreportersboard.ca.gov/applicants/index.shtml](http://www.courtreportersboard.ca.gov/applicants/index.shtml).

<sup>16</sup> Median value of estimated salary and benefit costs statewide by the filled court reporter FTEs. This median value corresponds with an annual salary of \$120,254 and total benefits of \$63,930.

<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> 2021–22 Schedule 7A total court statewide transcript expenditures, excluding Electronic Recording.

<sup>20</sup> [Sen. Bill 170 \(Stats. 2021, ch. 240\)](#); [Sen. Bill 154 \(Stats. 2021, ch. 43\)](#).

<sup>21</sup> *Jameson*, *supra*, 5 Cal.5th at 608, fn. 1.

<sup>22</sup> *In re Armstrong* (1981) 126 Cal.App.3d 565; *March v. Mun. Ct.* (1972) 7 Cal.3d 422.

<sup>23</sup> *People v. Jones* (1981) 125 Cal.App.3d 298; *People v. Apalatequi* (1978) 82 Cal.App.3d 970; see also Pen. Code, § 1181(9).