Superior Court of California, County of Contra Costa

COURT PROTOCOL FOR USE OF PRIVATELY RETAINED COURT REPORTING IN CIVIL, FAMILY & PROBATE

Parties who wish to have a record of court proceedings in civil, family and probate matters must arrange for their own private court reporter. There are public listings for court reporting or deposition firms and freelance reporters. Please do not contact the court for a referral.

All obligations to that reporter (appearance fees, transcript costs, etc.) will be the sole obligation of the party or parties procuring the services of the reporter and/or parties who order transcripts. The division of the court reporter's charges and any costs of reporting or transcribing shall be resolved between the parties and shall not be a responsibility of the court. A party or parties not wishing that a matter be reported will not be required to contribute to the cost of reporting but should nonetheless execute the stipulation for appointment; executing the stipulation will not be deemed evidence of agreement to share in the cost of reporting.

Any party procuring the services of a private shorthand reporter must instruct the court reporter to appear in court no later than 15 minutes before the start of the calendar involved. The party procuring the outside reporter must also advise the private court reporter of the requirement to contact the Court Reporter Unit as soon as arrangements are confirmed, but in any event no later than the day of the court hearing at courtreportercontact@contracosta.courts.ca.gov.

A. STIPULATED SELECTIONS OF PRIVATE COURT REPORTERS (GOVT. CODE 70044)

1. **For trials and all other contested hearings**, after a party privately arranges for the services of an outside court reporter and subject to approval of the judge presiding over the proceedings, the party procuring the private shorthand reporter must comply with Government Code §70044 by obtaining and submitting a signed **"Stipulation and Order to Use Certified Shorthand Reporter Pro Tempore and Agreement of Court Reporter,"** (Court Form CV-310 available in this packet), executed by the parties and the reporter which, if approved by the judge, will include an order of the judge appointing that reporter as a "pro tempore" reporter.

2. For contested matters estimated to exceed one hour in duration, parties intending to provide a private court reporter must also notify the court of the intent to provide such reporter and the identity of the reporter at least 3 court days before the proceeding is set to commence. The notification to the court must be delivered directly to the department that is assigned to hear the matter. Such notice shall be served upon all other parties to the proceeding, along with a copy of the proposed "Stipulation and Order to Use Certified Shorthand Reporter Pro tempore and

Agreement of Court Reporter," (Local Court Form CV-310) and the party shall bring the executed Stipulation to the proceeding for lodging with the Court.

3. Private shorthand reporters reporting for the trials or "long cause" proceedings (estimated to exceed one hour) must be capable of reporting in "real time" using a program compatible for use by the laptop of the judge hearing the proceeding. [See separate requirements in this packet Form CV-302.]

4. Upon the judge signing of the order, the original shall be placed in the court file and the clerk shall provide one copy to the court reporter manager and one copy to the submitting party. The submitting party shall provide a copy to the selected court reporter.

5. There shall be only one private shorthand reporter approved for each proceeding and the appointment shall be limited to the calendar item commencing on the date(s) indicated on the order, unless otherwise provided by the judge hearing the matter. If additional dates are agreed upon after the original order is signed, a new order shall be executed identifying the new date(s). Requests for a substitution of reporter in such instances may be made to the judge hearing the matter. Parties should be aware, however, that the general policy of the court is to require the same reporter to cover the entire proceedings or trial.

6. The location of seating for private shorthand reporters shall be at the discretion of the judge hearing the matter. That seating may be different from the courtroom location previously used in that courtroom for the official court reporter.

B. REPORTING IN CONTESTED MATTERS OTHER THAN BY STIPULATION:

1. In contested matters in which one or more of the parties wishes reporting but an agreement cannot be reached as to which reporter shall be utilized, the parties shall notify the clerk of the assigned department and thereafter the parties shall contact the Court Reporter Unit by email at courtreportercontact@contracosta.courts.ca.gov to provide the name(s) of the reporter(s) that are in dispute for verification purposes, and request utilization of the list of reporters appointed pursuant to Government Code Section 70044[1]. The court's list is only to be utilized after the part(ies) have already identified private reporter(s) who have agreed to report the matter and shall not be used as the initial source for parties seeking to retain a private reporter.

2. Once the necessity for use of the court's list is verified, a reporter shall be selected by the court reporter manager at random from that list by lots in such manner as directed by the assigned judge. The contact information of the reporter who is selected from the list shall be provided to the parties by the court reporter manager. In such case the party or parties desiring reporting shall provide the Court, prior to commencement of the proceeding, with the alternate form "**Order to use Certified Shorthand Reporter Pro Tempore and Agreement of Court Reporter**," (Court Form CV-311- available in this packet) fully executed.

[1] The Court Reporter Unit of the Court shall maintain a list of reporters who are licensed by the State of California as Certified Shorthand Reporters and who have been appointed as pro tempore reporters in this court as provided in Section 70044 of the Government Code.

C. CONTESTED LPS TRIALS AND CONTESTED ADOPTIONS:

The Court will not provide court reporters for Non-trial LPS hearings and/or uncontested Adoptions. However, the Court will ordinarily provide court reporters for Contested LPS Trials and contested Adoption Trials, scheduled as needed by the assigned department, to be heard on the next available date in the assigned department.

D. FAMILY LAW CONTEMPT PROCEEDINGS:

The Court will not provide court reporters for family law matters. However, the Court will ordinarily provide court reporters in family law contempt proceedings, scheduled as needed by the assigned family law department, to be heard on the next available date in the assigned department.