

CHAPTER 10

COURT REPORTERS; INTERPRETERS

RULE 10.00 COURT REPORTERS

This rule sets forth the court's policy concerning availability of and payment for court reporters in compliance with Government Code Section 68086(a) and California Rule of Court 891.

(Effective January 1, 1997. Moved and amended January 1, 2000. Amended July 1, 2003.)

RULE 10.00.1 COURT REPORTERS – GENERALLY

Except as otherwise provided in Rules 10.00.2, 10.00.3 and 10.00.4 and California Rules of Court 3.50 – 3.63, court reporters are not available at the expense of the court. Court reporters may be used but they shall be obtained by and at the expense of one or more of the parties. Where court reporters are available for certain types of matters, they are available in all departments for those matters.

(Effective January 1, 1997. Former 4.07.1. Amended January 1, 2000. Amended July 1, 2003; January 1, 2008.)

RULE 10.00.2 COURT REPORTERS -- INFRACTION AND MISDEMEANOR CRIMINAL PROCEEDINGS

An official court reporter shall report at the court's expense felony and misdemeanor criminal proceedings including, but not limited to, arraignments, pre-trial hearings, trials, sentencings and related matters, juvenile proceedings other than those heard by a juvenile court referee or traffic hearing officer and all proceedings under the Lanterman-Petris-Short Act (Welfare & Institutions Code Sections 5000 et seq.).

(Effective January 1, 1997. Former 4.07.2. Renumbered January 1, 2000. Amended July 1, 2003; January 1, 2008.)

RULE 10.00.3 COURT REPORTERS – LIMITED AND UNLIMITED CIVIL: EX PARTE, CASE MANAGEMENT, TRIALS DE NOVO, LAW AND MOTION, TRIAL; PROBATE CALENDAR

A. Court reporters are not available at the expense of the court on limited court or jury trials or unlimited court civil trials, ex parte applications or hearings, case management conferences, small claims trials de novo, or civil law and motion. Court reporters may be used in such proceedings, but they shall be obtained by and be at the expense of the party requesting a reporter. The party requesting a reporter shall file five (5) days advance written notice to the clerk of his/her request to have a reporter present during any hearing or trial.

B. In the court's discretion, court reporters are available at the expense of the court for the regular weekly probate calendar and for reporting settlements. Court reporters are not provided for any probate proceeding set for a short or long cause hearing or trial outside of the regular weekly probate calendar. If the services of a reporter will not be available, that fact shall be noted on the Court's official calendar.

C. An official court reporter shall report any oral determination of a summary judgment motion or civil jury trials in unlimited jurisdiction cases, whether contested or uncontested, at the expense of one or more of the parties.

(Added January 1, 2000. Amended July 1, 2003.)

**RULE 10.00.4 COURT REPORTERS – FAMILY LAW: TRIALS, HEARINGS
EX PARTE, CASE MANAGEMENT, LAW AND MOTION**

A. Court reporters are not available at the expense of the court on family law short cause hearings, long cause hearings, or trials, ex parte applications or hearings, case management conferences. Court reporters may be used in such proceedings, but they shall be requested by and be at the expense of the party requesting a reporter. The party requesting a reporter shall file five (5) days advance written notice to the clerk of his/her request to have a reporter present during any hearing or trial.

B. In the Court's discretion, court reporters are available at the expense of the court for law and motion matters and reporting settlements. If the services of a reporter will not be available, that fact shall be noted on the Court's official calendar.

C. Court reporters are available at the court's expense for all juvenile proceedings other than those heard by a juvenile court referee or traffic hearing officer and for proceedings to declare a minor free from parental custody.

(Added January 1, 2000. Amended July 1, 2003.)

**RULE 10.00.5 COURT REPORTERS - OTHER PROCEEDINGS; FEES;
DEPOSITS; FORFEITURE; TRAVEL EXPENSES.**

A. Other proceedings, when to report. In addition to those court proceedings set out in Rules 10.00.2, 10.00.3 and 10.00.4, an official court reporter shall report the following court proceedings whether contested or uncontested:

1. Any court proceeding ordered by the court, at the court's expense.
2. Any other court proceeding when a party requests a court reporter in accordance with subdivision (D).

B. Payment of fees. Except where the reporter's services are requested by a party pursuant to subdivision (D) of this rule, the reporter's fee for reporting a civil proceeding pursuant to Rule 10.00.3(C) and for all transcriptions ordered by the court shall be paid:

1. In a contested civil proceeding, by the parties in equal amounts.

2. In an uncontested civil proceeding, by the moving party.

C. Deposit of fees under (B). Except as otherwise directed by the court for good cause shown, one day's fee shall be, in accordance with subdivision (B), advanced to the reporter or clerk before the commencement of each day's proceedings.

D. Request for court reporter; deposit of fee. When a party requests a court reporter and the reporter is not required by these rules or by statute to report the court proceeding, such party shall, at least five (5) court days before the date of the proceeding, notify the clerk, in writing, of the request. It shall be that party's responsibility to obtain the services of a court reporter for that court proceeding. Such party shall advance at that time one day's fee to the reporter or clerk. Thereafter, one day's fee shall be advanced to such reporter or clerk before the commencement of each day's proceedings. Failure by a party to make such written request or advance such fee shall be deemed a withdrawal of the request unless, in the case of a failure to advance a fee, the other party advances such fee. In the event of an actual or implied withdrawal, the court in its discretion may proceed without a court reporter or, upon such terms as may be just, with a court reporter.

E. Forfeiture of fee. When a party requests a court reporter pursuant to subdivision (D) and thereafter withdraws the request, the party shall pay one day's fee to the reporter or clerk unless such party notified the clerk at least three (3) court days in advance of the date of trial or hearing that the reporter's services will not be required or the reporter has a similar service to perform at the time.

F. Travel expenses. Whenever under this rule a party is required to pay or deposit a reporter's fee, the party shall also pay or deposit one day's actual expenses for the reporter's out-of-town travel, including mileage at the rate per mile specified by local ordinance or resolution, or, if none, the rate per mile specified by the State Board of Control for travel by private automobile under Title 2, Division 2, Chapter 1, California Administrative Code.

Comment: Check with the clerk whether the court reporter is to be paid directly or through the clerk.

(Effective January 1, 1997. Former 4.07.03. Renumbered and amended January 1, 2000. Amended July 1, 2003. Amended January 1, 2007.)

RULE 10.01 USE OF INTERPRETERS

A. Interpreters will not be provided for civil, family law or small claims matters, unless otherwise ordered by the court. Upon request, the clerk will provide the names of authorized interpreters with whom a party may make arrangements for interpreting services, or may refer the party to the court's interpreter coordinator. Any party requiring the services of an interpreter is responsible for arranging and paying for the services of such interpreter unless otherwise ordered by the court.

B. Interpreters are provided for trial court proceedings in criminal cases and juvenile delinquency proceedings under Welfare & Institutions Code Section 602 et seq. pursuant to California Rule of Court 2.893.

(Added July 1, 2003. Amended January 1, 2008.)