

**THE CAUSES, CONSEQUENCES, AND
OUTLOOK OF THE COURT REPORTER
SHORTAGE IN CALIFORNIA AND BEYOND**

Prepared for California Trial Court Consortium

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1. INTRODUCTION

The purpose of this project is to investigate the dynamics of the court reporter market to inform court leaders in their decision-making process. This report has been prepared for the California Trial Court Consortium (CTCC) whose membership includes all courts in California with 38 judges or fewer. The report examines the industry changes, educational challenges, and statutory obligations that affect court reporting in the United States at large and California in particular. With this foundation, the report then presents research findings from an original survey regarding court reporters in 41 small, small/medium, and medium/large courts throughout California. The data indicate that courts struggle with a significant deficit between the shorthand reporting services they need and what they can access. This shortage persists despite paying competitive wages, directly inviting and incentivizing court reporters to apply for open positions, and spending increasing time and funds on recruitment. Many courts have adjusted their operations and worked creatively to meet their statutory obligations to provide court reporters. This report is intended to support courts in their staffing strategies and help to contextualize the issue statewide.

2. BACKGROUND

Capturing and preserving the official written record of court proceedings is critical to the administration of justice. Transcripts are used by attorneys in cross-examinations, reread to jurors during deliberation, and without one, an appeal may not be possible.^{1 2} The importance of having a verbatim record available to everyone is outlined in California Government Code § 68086, which states that parties who qualify for fee waivers in court filings are also entitled to having fees waived for an official court reporter at their hearing or trial.³ This principle was also reaffirmed in *Jameson v. Desta*.⁴

Traditionally, the record is composed by a court reporter, also known as a stenographer or shorthand reporter. This profession traces back to 63 B.C. when Marcus Tullius Tiro created the first shorthand system to transcribe and dictate for Roman philosopher and lawyer Cicero. Nearly two millennia after Tiro and with numerous edits throughout that era, English shorthand was introduced in the United States in the late 1800s. Court reporters have been operating off of this system since, which was automated with the advent of the first commercial stenotype machine in 1906.⁵

In the 21st century, court reporting is more technically advanced than it was 100 years ago, but the principle is the same, and the record continues to be captured via the stenotype machine.

¹ *Santa Clara County Environmental Health Assn. v. County of Santa Clara* (1985) 173 Cal. App. 3d 74, 83-84

² *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal. App. 3d 1043, 1051

³ The Organization and Government of Courts, 8 C.G.C. § 68086, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=68086 (as of October 19, 2021).

⁴ *Jameson v. Desta* (2018) 420 Cal.3d 746.

⁵ Brooks Court Reporting, “The History of Court Reporting and Stenography” (no date), <https://brookscourtreporting.com/the-history-of-court-reporting-and-stenography/> (as of October 18, 2021).

While there has been some shift nationally in recent years toward alternative record-making means such as digital or electronic recording, as discussed later in this report, recent legislation has increased the demand for stenographic court reporters in California courts. Unfortunately, this has occurred while the court reporter workforce has declined at an increasing rate. This combination of trends has created a problem for the courts that demands immediate attention by court leaders.

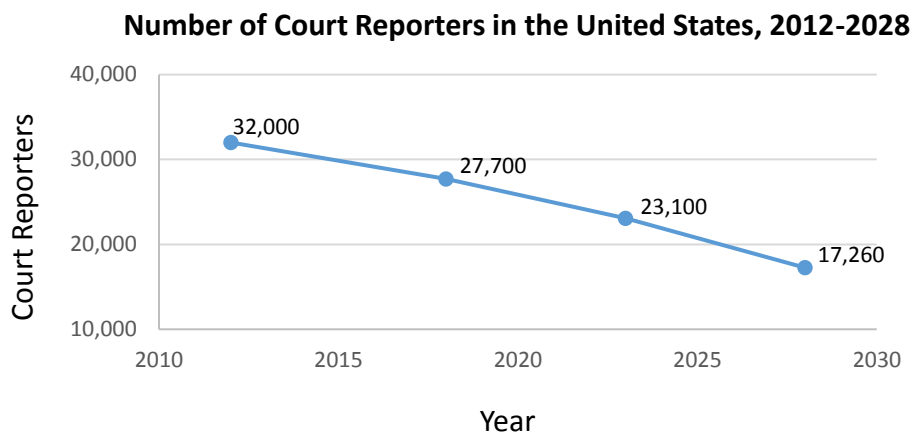
3. THE SHIFTING COURT REPORTER INDUSTRY

In 2014, the National Court Reporters Association (NCRA) sounded the alarm about the future of court reporting based on findings from their commissioned Industry Outlook Report by Ducker Worldwide.⁶ Since then, what is broadly known as the Ducker Report has served as a gauge for the court reporting industry’s decline. Some courts and law firms around the country have shifted to electronic recording and alternative record-making media to accommodate the court reporter shortage, but the gap between stenographer supply and demand persists.

3.1 Nationwide Labor Shortage

Since 2012, the number of court reporters in the United States has decreased by over 20 percent. By 2028, it will have decreased by half.⁷

Figure 1.



Source: Speech to Text Institute (2019)

This downward trend is, in part, caused by the stenographer workforce aging out: the average court reporter is 55 years old.⁸ As a result, every year, the court reporting industry loses 82 percent more workers than it gains. While approximately 1,120 stenographers retire, at most 200 enter the market—a labor decrease of 920 reporters every year.⁹

⁶ Ducker Worldwide, *2013-2014 Court Reporting Industry Outlook Report* (2014), National Court Reporters Association, <https://projectsteno.org/wp-content/uploads/2018/08/Ducker-report.pdf> (as of October 18, 2021).

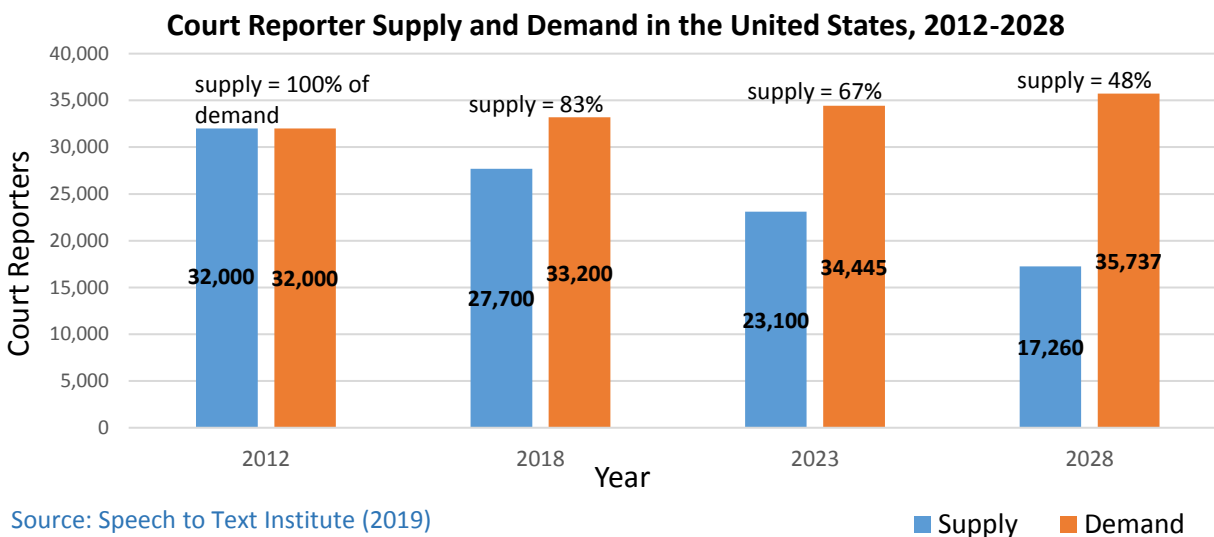
⁷ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 7.

⁸ National Court Reporters Association, “NCRA Statistics,” (March 31, 2021) <https://www.ncra.org/home/about-ncra/NCRA-Statistics> (as of October 12, 2021).

⁹ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 3.

As labor decreases, demand for court reporters increases. The Speech to Text Institute estimates 3.75 percent growth in need every five years.¹⁰ The Bureau of Labor Statistics (BLS) estimates that 2,100 court reporter jobs open annually.¹¹ As of 2018, the supply of active court reporters in the United States failed to meet the total demand. By 2028, court reporter vacancies are expected to outnumber the court reporter population completely.¹²

Figure 2.



With the constantly shrinking supply of stenographers to take increasingly available jobs, the courts are forced to compete more, with one another and private industry, to fulfill their essential reporting needs. This is especially difficult given that official court reporters are in the minority of the stenographer industry at large: more than 70 percent of court reporters nationwide work outside of the court.¹³

3.2 The Decline of Court Reporter Schools

As of 2021, there were 45 accredited court reporting schools in the United States.¹⁴

¹⁰ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 6.

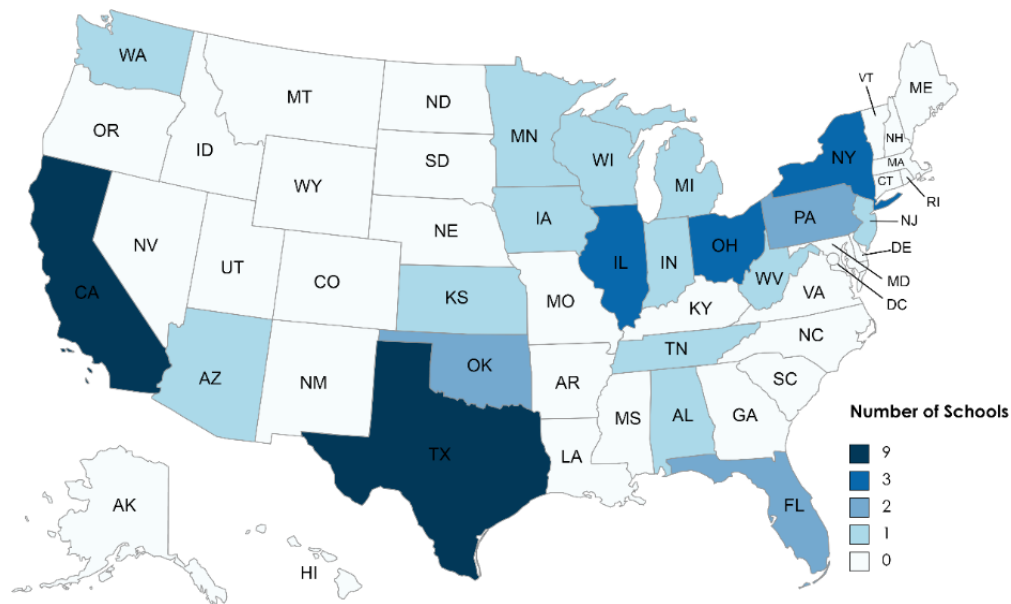
¹¹ Bureau of Labor Statistics, “Court Reporters and Simultaneous Captioners,” *Occupational Outlook Handbook* (September 8, 2021) <https://www.bls.gov/ooh/legal/court-reporters.htm#tab-1> (as of October 12, 2021).

¹² Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 7.

¹³ National Court Reporters Association, “Court Reporter Career Paths,” (no date) https://www.ncra.org/home/professionals_resources/professional-advantage/Court-Reporting (as of October 14, 2021).

¹⁴ Stenograph, “Court Reporting and Related Program Listing,” (2021) <https://www.stenograph.com/court-reporting-school> (as of October 14, 2021). Only currently operational schools accredited by the U.S. Department of Education were counted.

Figure 3.



Source: Stenograph (2021)

Only 20 states have any schools and 12 of those have only one. Texas and California are each home to one-fifth of all accredited court reporting schools in the U.S., but geographically, schools are primarily spread out across the eastern half of the country. 18 schools are partially or fully online.

Of the 45 total, 26 are approved by NCRA.¹⁵ NCRA approval is not accreditation, but it is a special designation for schools that have been tested for higher standards than non-approved schools. Of NCRA’s 26 currently approved schools, three are in teach-out and no longer accepting new students; they will remain operational for only as long as it takes their existing students to finish their programs.¹⁶

In less than a decade, from 2012 to 2021, NCRA-approved schools more than halved, falling from 54 to 26. One such school, Brown College of Court Reporting in Atlanta, was the only court reporting school in Georgia until it closed in 2019.¹⁷ Between 2012 and 2017, NCRA-approved schools experienced a 3,800 student decrease (68 percent) in enrollment from 5,600 to 1,800.¹⁸ Presently, experts estimate that no more than 2,500 students are enrolled in court reporting school nationwide, NCRA-approved or otherwise.¹⁹

¹⁵ National Court Reporters Association, “NCRA-Approved Court Reporting Schools,” (2021) <https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs> (as of October 14, 2021).

¹⁶ National Court Reporters Association, *2019 Annual School Report* (2019).

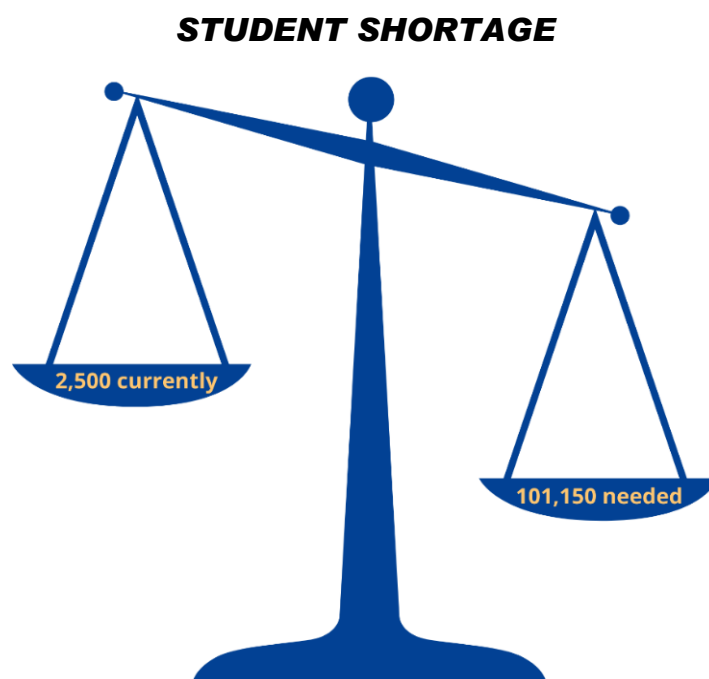
¹⁷ Hayley Mason, “Georgia’s only certified court reporting college set to close,” CBS 46 (October 2, 2019), https://www.cbs46.com/news/georgias-only-certified-court-reporting-college-set-to-close/article_9b34cf68-e568-11e9-bad9-abb117cddccf.html (as of October 15, 2021).

¹⁸ National Court Reporters Association, *NCRA Annual School Report FY 2016 and FY 2017* (2017), p. 5.

¹⁹ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 5.

Attempting to quell steep enrollment decline, some in the court reporting industry have invested considerable resources into recruiting new students. Project Steno, an organization dedicated solely to this cause, incentivizes students with the opportunity to earn two \$1,000 awards for progressing through their first and second years of school. The organization also has a program for people potentially interested in court reporting, a six-week course that teaches the basics at no cost to the participant.²⁰ Project Steno’s website, like many court reporting career websites, heavily emphasizes the high wages that in-demand court reporters can earn.²¹

Despite these aggressive strategies, student recruitment alone is not likely to meet the overwhelming demand for court reporters. The student shortage is not simply a lack of enrollment, but also startlingly low school retention and graduation rates. For every ten students who begin court reporting school, only one—at most—graduates.²² This trend means that schools must recruit at least ten students to produce a single stenographer who successfully graduates, becomes certified, and enters the workforce. Considering the current total shortage of 8,275 court reporters,²³ schools would have needed to recruit at least 82,750 students two years ago to now be graduated and entering the market. Since that did not happen, and if recruitment began today, schools would need to enroll at least 101,150 students for 10,115 to enter the workforce in 2023. For comparison, actual enrollment in 2019 totaled 2,500 students.



Source: Speech to Text Institute (2019)

²⁰ Project Steno, “Getting Started,” (no date), <https://projectsteno.org/students/> (as of October 14, 2021).

²¹ Project Steno, “Better than a 4-Year College,” (no date), <https://projectsteno.org/about/> (as of October 14, 2021).

²² Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 4.

²³ Calculated based on 200 entering the workforce and 920 leaving the workforce annually. See Figure 2.

The current student population is less than 2.5% of the need. These calculations are based only on the current demand, but demand is growing as the labor force is shrinking.

4. COURT REPORTING IN CALIFORNIA

The court reporting crisis is worse in California than in any other state. It is caused by several factors, including few schools, the difficult academic and licensing process required to become a court reporter, and statutory obligations requiring the widespread use of court reporters.

4.1 Decreasing and Declining Schools

California’s status is consistent with the troubling trends nationwide. Despite California being one of the most equipped states in terms of its total number of schools (see Figure 3), enrollment rates and active schools continuously decrease. Court reporting program locations in this state have reduced by 44 percent in the last decade, from 16 in 2011 to 9 in 2021.²⁴ Only one California school is NCRA-approved.²⁵

Figure 4.



**Some programs appear twice to represent two different locations.*

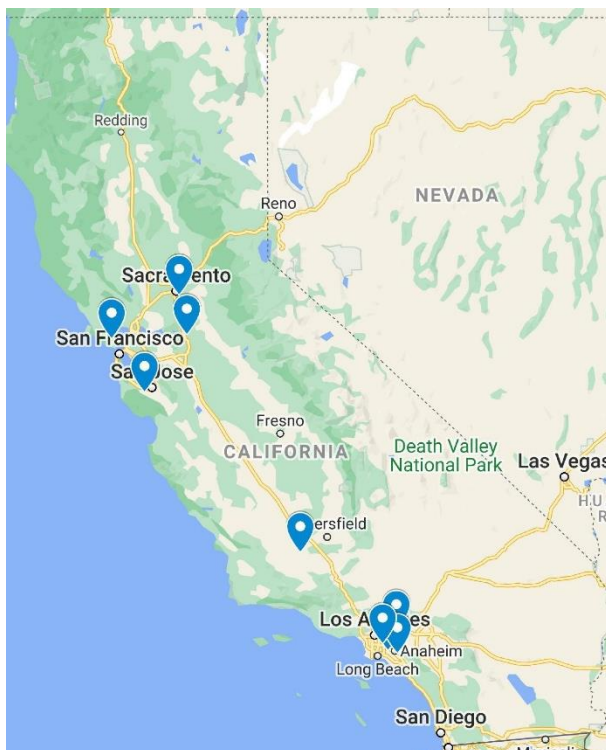
Source: Court Reporters Board of California (2011) (2021)

The schools currently operating in California are also concentrated in population centers, while other parts of the state have no schools within hundreds of miles:

²⁴ California Court Reporters Association, “Court Reporting Schools” (2021), <https://www.cal-ccra.org/court-reporting-schools> (as of October 14, 2021).

²⁵ National Court Reporters Association, “NCRA-Approved Court Reporting Schools,” (2021) <https://www.ncra.org/home/students-teachers/Schools-and-programs/ncra-approved-court-reporting-programs> (as of October 14, 2021).

Figure 5.



Further, not all of these schools are performing equally. In the most recently administered dictation examination for licensure (see Section 4.2.1 for a full description), applicants were unevenly represented from schools across the state. Some schools had as few as zero applicants, while South Coast College dominated the list with more than a third of testers. Another 11 percent came from now-defunct schools.²⁶

The California court reporting education network is growing smaller, less uniform, and less stable. Some programs that have closed in recent years have done so abruptly, like Sage College in Moreno Valley. In early 2017, Sage College court reporting students returned to campus after winter break to learn that their school was out of business with no accommodations in place for them to finish their education or be repaid thousands of dollars of tuition.²⁷ Sage’s closing was due to their accrediting agency, the Accrediting Council for Independent Colleges and Schools (ACICS), being derecognized by the Department of Education.²⁸ South Coast College, which was also accredited by ACICS, was able to recover and gain accreditation elsewhere.²⁹

²⁶ Court Reporters Board, *Dictation Examination Statistics – Jul 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/stats_202107.pdf (as of October 15, 2021).

²⁷ Leticia Juarez, “Sage College in Moreno Valley suddenly closes,” *ABC 7* (January 3, 2017), <https://abc7.com/sage-college-closes-moreno-valley-riverside-county-career/1685242/> (as of October 15, 2021).

²⁸ Rebecca Turley, “Accrediting Agency Blamed for Closing of Court Reporter College,” *Court Reporter EDU* (April 29, 2021), <https://www.courtreporteredu.org/2017/01/accrediting-agency-blamed-for-closing-of-court-reporter-college/> (as of October 15, 2021).

²⁹ Database of Accredited Postsecondary Institutions and Programs, “South Coast College,” *U.S. Department of Education* (no date), <https://ope.ed.gov/dapip/#/institution-profile/106704> (as of October 15, 2021).

Meanwhile, Bryan College, another program removed from California’s roster as of 2013, did not close entirely but restructured to an online format based in Arizona which created concerns for students invested in in-person instruction.³⁰

These abrupt closures may be having some impact on depressing student interest in the profession.

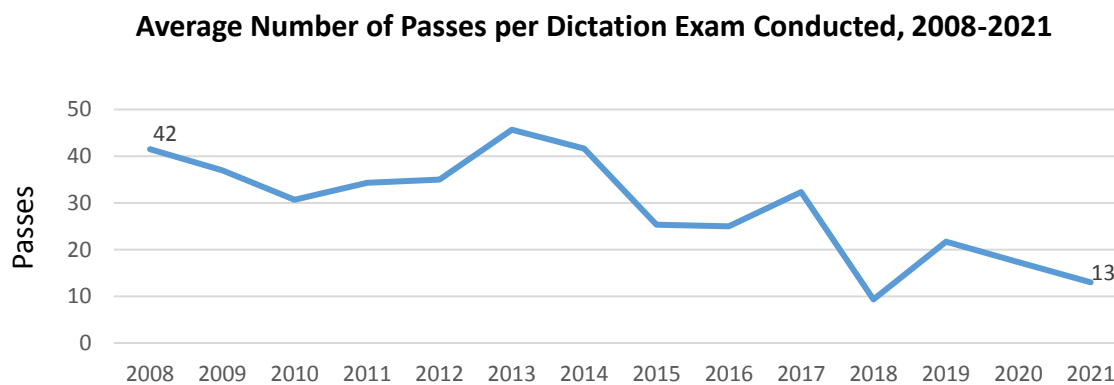
4.2 The Difficulty of Becoming a Court Reporter

It is uniquely difficult to become a court reporter in California. This state is one of 28 in the country that requires licensure to work as a court reporter, also known by the state as a certified shorthand reporter (CSR).³¹

4.2.1 EXAMS

Most states that mandate certification have only one exam required for licensure, but California has three. All three exams regularly yield low pass rates, but far more students fail dictation—the most specialized test—than pass. Moreover, the number of applicants attempting and passing the dictation exam has fallen in recent years:

Figure 6.



Source: Court Reporters Board of California (2021) Year

The dictation exam passage rate fluctuates each year, but in 2021, the average pass rate was 21 percent.^{32 33} In 2018, it was 8 percent.³⁴

³⁰ Kevin Oliver, “Students fear online courses after Bryan College restructuring,” *KCRA 3* (June 5, 2013), <https://www.kcra.com/article/students-fear-online-courses-after-bryan-college-restructuring-1/6405273> (as of October 15, 2021).

³¹ College of Court Reporting, “State Requirements,” (no date), <http://www.ccr.edu/index.php/48-states> (as of October 15, 2021).

³² Court Reporters Board of California, *Dictation Examination Statistics – Mar 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/stats_202103.pdf (as of December 23, 2021).

³³ Court Reporters Board of California, *Dictation Examination Statistics – Jul 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/stats_202107.pdf (as of December 23, 2021).

³⁴ Court Reporters Board of California, *Meeting of the Court Reporters Board* (November 20, 2020), p. 38, https://www.courtreportersboard.ca.gov/about-us/20201120_agenda_packet.pdf (as of December 23, 2021).

The other two required exams, English and professional practice, yield higher passage rates than dictation, but also do not consistently produce new court reporters. Between March and June 2021, 60 percent of test-takers passed the English exam and 61 percent passed professional practice.³⁵ Regardless, without passing all three, an applicant cannot be licensed to work as a CSR in California.

In fiscal year 2019-2020, the Court Reporters Board of California (CRB) issued licenses to 66 new court reporters.³⁶ In fiscal year 2020-2021, there were 39 new court reporters.³⁷ Compared to California's shortage, the average of 52.5 new court reporters each year is not nearly enough to make up for the demand (see Figure 9).

4.2.2 RECIPROACITY

California does not make exceptions in its requirements even for certified court reporters relocating from other states. In 2020, Assembly Bill 2185 attempted to require CRB to issue reciprocal licenses to court reporters in good standing from other certification-requiring states.³⁸ The bill failed.

In May 2020, CRB was approached by the Texas Judicial Branch Certification Commission (JBCC), who requested that California extend reciprocal licensure to court reporters certified in Texas. CRB then created a Reciprocity Task Force which has since explored the matter, but has not yet made any formal recommendations.³⁹ As of January 2022, Texas offers reciprocity for 18 states, including California, but California has not responded in kind.⁴⁰

Since CRB does not currently offer reciprocity to any other state, court reporters relocating to California must undergo California's licensing and examination process regardless of their experience.

4.2.3 CONTINUING EDUCATION

In addition to disparities between California's licensure mandates and other states', there are also differences among the requirements for California's own CSRs. In this state, only *official* court reporters are obligated to maintain continuing education hours; freelance reporters and others are

³⁵ Court Reporters Board of California, *Examination Statistics – Mar 1, 2021 Thru June 30, 2021* (2021), https://www.courtreportersboard.ca.gov/applicants/examstats_0321_0621.pdf (as of October 15, 2021).

³⁶ Retrieved from FY 2020-2021 annual report. Staff contacted CRB via phone and their representative shared the statistic.

³⁷ Retrieved from FY 2020-2021 annual report. Staff contacted CRB via phone and their representative shared the statistic.

³⁸ A.B. 2185, 2020, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2020). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2185 (as of October 15, 2021).

³⁹ Court Reporters Board of California, *Minutes of Open Session* (May 21, 2020), https://www.courtreportersboard.ca.gov/about-us/20200521_minutes.pdf (as of October 18, 2021).

⁴⁰ Texas Judicial Branch, "List of Substantially Equivalent States for Certification by Endorsement" (December 23, 2020), <https://www.txcourts.gov/jbcc/court-reporters-certification/initial-certification/list-of-substantially-equivalent-states/> (as of January 7, 2022).

not.⁴¹ This requirement, beyond the shortage of CSRs generally, is another challenge to recruiting stenographers to work for the courts in particular. Recognizing the imbalance and advocating for universal standards to ensure excellence, legislators—with the support of the California Court Reporters Association—attempted to pass bills requiring all CSRs to participate in continuing education in 2008,⁴² 2011,⁴³ and 2015.⁴⁴ Every bill was vetoed.

4.3 Statutory Limitations

California’s unmet need for CSRs is due not only to a decreasing workforce, but also because of the state’s requirements for using CSRs rather than alternative record-capturing methods. These limitations are broadly established and enforced by statute.

4.3.1 REMOTE REPORTING

Remote reporting could potentially mitigate California’s stenographer shortage. In areas where CSRs are not available, remote reporting would enable reporters to provide their services without traveling significant distances. In 2019, however, legislation passed banning courts from using remote reporting to create the official record and using any funds to purchase equipment to facilitate remote reporting.⁴⁵ The same law approved a pilot remote reporting project at Santa Clara Superior Court and required the Court to deliver a report on the pilot. The Legislature has since received this report but has taken no additional action on the remote reporting ban. In 2020, an exception was made for depositions, which are now permitted to be remotely reported, but this caveat does not address the shortage of *official* reporters since depositions are reported by CSRs working in the private sector.^{46 47}

Currently, remote reporting is temporarily allowed in criminal proceedings as a result of the State of Emergency caused by the COVID-19 pandemic. California Rules of Court, emergency rule 3 allows for widespread remote proceedings in criminal proceedings on the order of the Court, and remote proceedings include remote reporting.⁴⁸ Remote reporting in all proceedings was permitted

⁴¹ Judicial Council of California, “2021 Rules of Court – Rule 10.474. Trial court managers, supervisors, and other personnel” (2021), https://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_474 (as of October 18, 2021).

⁴² A.B. 2189, 2008, 2007 Biennium, 2007-2008 Reg. Sess. (Calif. 2008).
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=200720080AB2189 (as of October 18, 2021).

⁴³ S.B. 671, 2011, 2011 Biennium, 2011-2012 Reg. Sess. (Calif. 2011).
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB671 (as of October 18, 2021).

⁴⁴ A.B. 804, 2015, 2015 Biennium, 2015-2016 Reg. Sess. (Calif. 2015).
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB804 (as of October 18, 2021).

⁴⁵ A.B. 253, 2019, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2019).
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB253 (as of October 18, 2021).

⁴⁶ S.B. 1146, 2020, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2020).
https://leginfo.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200SB1146 (as of October 18, 2021).

⁴⁷ Although depositions may be remotely reported, they are still not permitted to be electronically recorded. In 2014, AB 2006 attempted to allow video recordings in lieu of court reporting in depositions, but it was strongly opposed and ultimately died.

⁴⁸ 2021 California Rules of Court, Appendix I, Emergency Rules Related to COVID-19, Emergency rule 3(a): Remote appearances. (2020). <https://www.courts.ca.gov/documents/appendix-i.pdf> (as of October 18, 2021).

under emergency rule 3 from its adoption on April 6, 2020 until December 31, 2021, but on November 19, 2021, the Judicial Council of California amended emergency rule 3 effective January 1, 2022 to remove civil proceedings from the scope of the rule and to affirm that the rule continues to apply only to criminal proceedings. The Emergency Rule will remain in place until 90 days after the Governor lifts the COVID-19 State of Emergency or until the Rule is modified by the Judicial Council.

In September 2021, Senate Bill 241 was chaptered, which statutorily permits civil conferences, hearings, proceedings, and trials to be conducted remotely from January 1, 2022 until July 1, 2023.⁴⁹ However, the same law states that in civil trials, the court reporter must be physically present in the courtroom even if all other proceedings are taking place remotely. Meanwhile, the same authorization for non-civil proceedings has not been granted in statute.

The current accommodations for remote reporting, especially emergency rule 3, are not guaranteed to stay in place beyond the pandemic. There will, however, likely be pressure applied to the courts in the future when court users, now accustomed to these services, are informed that remote reporting is no longer available.

4.3.2 ELECTRONIC RECORDING AND DIGITAL REPORTING

Electronic recording (ER), another option that can limit the burden on the court reporter workforce, is also strictly regulated in California. Under Government Code 69957, ER is permissible in three case types: limited civil, misdemeanors, and infractions, and only if a CSR is unavailable.⁵⁰

Electronic recording has not always been so restricted. Before Senate Bill 1102 was passed in 2004, most courts used ER in all family departments.⁵¹ After that bill was chaptered, Assembly Bill 251⁵² in 2013 and Assembly Bill 1834⁵³ in 2016 proposed adding family law back to the list of case types for which ER is allowed. Both bills failed passage. In 2021, the Legislature, rather than expanding electronic recording or remote reporting authorization, earmarked \$30 million via Senate Bill 170 to support funding additional court reporters in family and civil cases.⁵⁴ This funding does not address the underlying labor shortage issue, however, and instead increases demand for CSRs in the courts without affecting supply.

⁴⁹ S.B. 241, 2021, 2021 Biennium, 2021-2022 Reg. Sess. (Calif. 2021).

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB241 (as of October 19, 2021).

⁵⁰ The Organization and Government of Courts, 8 C.G.C. § 69957.

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=69957. (as of October 18, 2021).

⁵¹ S.B. 1102, 2004, 2003 Biennium, 2003-2004 Reg. Sess. (Calif. 2003).

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB1102 (as of October 18, 2021).

⁵² A.B. 251, 2013, 2013 Biennium, 2013-2014 Reg. Sess. (Calif. 2013).

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB251 (as of October 18, 2021).

⁵³ A.B. 1834, 2016, 2015 Biennium, 2015-2016 Reg. Sess. (Calif. 2016).

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1834 (as of October 18, 2021).

⁵⁴ S.B. 170, 2021, 2021 Biennium, 2021-2022 Reg. Sess. (Calif. 2021).

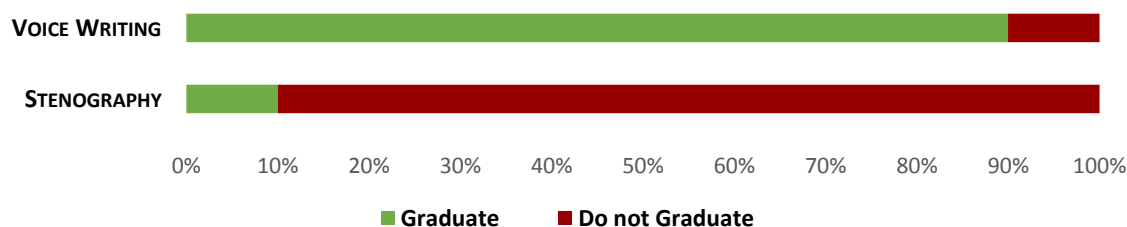
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB170 (as of October 18, 2021).

ER is used extensively in many state trial court systems including Alaska, Colorado, Florida, Indiana, Kentucky, New Hampshire, Ohio, and more.⁵⁵ Other states have adopted similar technologies to address their court reporter shortages. In South Carolina, courts managed to increase court reporter staff by 13 percent by partnering with a community college to train digital court reporters.⁵⁶ Similar to ER, digital court reporting involves using ER equipment which is monitored by a digital court reporter who takes notes and manages the recording. A transcription is produced later with that recording. Like ER, California statute has no allowance for digital court reporting.

4.3.3 VOICE WRITING

California is one of few states that requires official court reporters to be stenographers exclusively as opposed to voice writers. Voice writing, a method where a court reporter speaks into a noise-canceling mask in the courtroom and repeats every word spoken in a proceeding rather than typing them, is a much more attainable skill than stenography. Voice writing school takes approximately four to six months compared to two years for stenography, and the graduation rate for voice writers is approximately 90 percent compared to 10 percent for stenography.⁵⁷

Figure 7.



Source: Court Reporters Board of California (2018)

Official court reporters are authorized to practice voice writing in the state courts for 42 states. This method is also permitted in all federal courts, military courts, and Congress.⁵⁸ Moreover, CRB advocates for voice writing. In September 2018, the Board voted in favor of licensing voice writers; they found that no statutory changes were needed to be able to do so under the language

⁵⁵ Court Statistics Project, “Trial Record” <https://public.tableau.com/shared/RNFWCC4WB?:showVizHome=no> (as of January 24, 2022).

⁵⁶ Haley Walters, “There’s a shortage of court reporters. Here’s how SC is responding to it.” *Greenville News* (December 2, 2020), <https://www.greenvilleonline.com/story/news/2020/12/02/adapting-and-expanding-how-sc-filling-demand-court-reporters/6234141002/> (as of January 24, 2022).

⁵⁷ Court Reporters Board of California, *Minutes of Open Session* (July 19, 2018), p. 10 & 18, <https://www.courtreportersboard.ca.gov/about-us/min-20180719.pdf> (as of October 21, 2021).

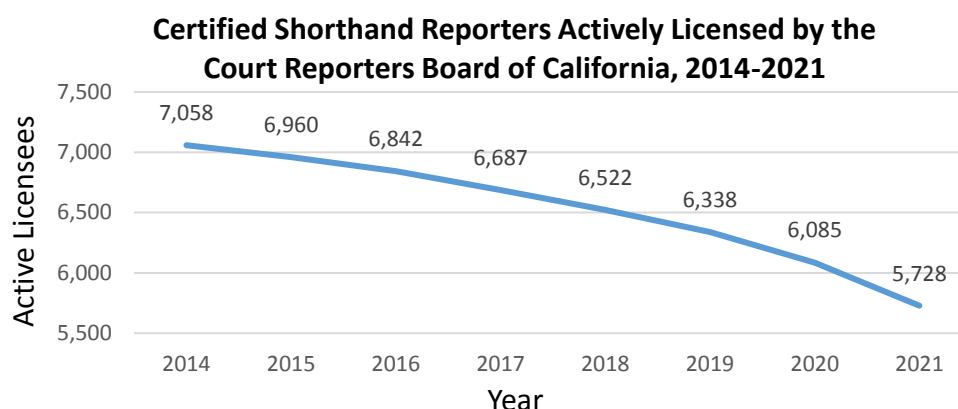
⁵⁸ National Verbatim Reporters Association, “Where Voice Writers Practice” (no date), <https://nvra.org/page/WhereVWPractice> (as of October 21, 2021).

of BPC § 8017.⁵⁹ ⁶⁰ In February 2019, CRB announced that it was ready to administer the certification exam to voice writers in the summer.⁶¹ However, Assembly Bill 1520 was introduced only a week later, which explicitly prohibited CRB from licensing voice writers.⁶² The bill was signed by the Governor in October 2019 and took effect January 2020 as BPC § 8016.5.⁶³ Since court reporting services are mandated to be certified by CRB, and CRB’s authority to do so is limited by statute, voice writing is currently unavailable to California’s market.

4.4 Supply and Demand

Considering California’s aging-out workforce, declining court reporter education system, and statutory and professional rules, it is logical that the number of court reporters in this state consistently trends downward. In the past seven years, actively licensed court reporters have decreased by nearly **twenty percent**.

Figure 8.



Source: Court Reporters Board of California

Moreover, of CRB’s 5,728 active licensees, only 5,043 of them have addresses registered in California: 685 live in another state or country full or part-time.⁶⁴ Given the statutory ban on remote reporting, it is safe to assume that these licensees—more than ten percent of the total—

⁵⁹ Court Reporters Board of California, *Minutes of Open Session* (September 17, 2018), https://www.courtreportersboard.ca.gov/about-us/20180917_minutes.pdf (as of October 21, 2021).

⁶⁰ California Business and Professions Code, Professions and Vocations Generally, Article 2 § 8017, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2 (as of October 21, 2021).

⁶¹ Court Reporters Board of California, *News Release. Coming Soon to California: Voice Writing* (February 14, 2019), <https://thedcapage.blog/wp-content/uploads/2019/02/CRB-Press-Release-Voice-Writing.pdf> (as of October 21, 2021).

⁶² A.B. 1520, 2019, 2019 Biennium, 2019-2020 Reg. Sess. (Calif. 2019). https://leginfo.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200AB1520 (as of October 21, 2021).

⁶³ California Business and Professions Code, Professions and Vocations Generally, Article 2 § 8016.5, https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=3.&title=&part=&chapter=13.&article=2 (as of October 21, 2021).

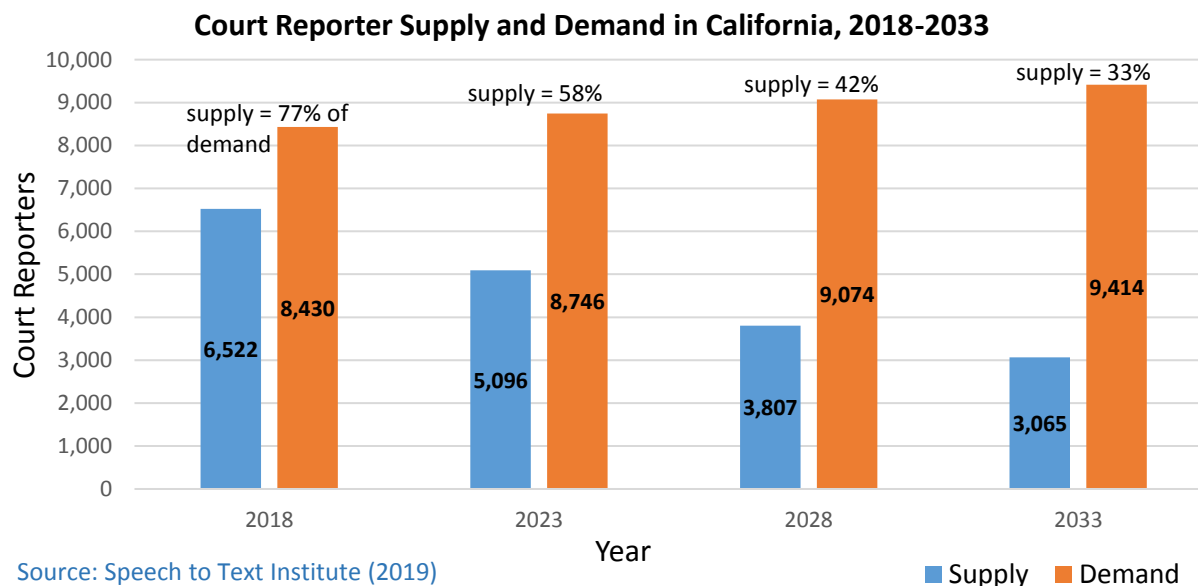
⁶⁴ Department of Consumer Affairs, “Public Information – Licensee Lists Overview” (2021), https://dca.ca.gov/consumers/public_info/index.shtml (as of October 18, 2021).

are not available to work in California full time, whether as a freelancer or an official court reporter.

Figure 8 captures the number of licensed court reporters statewide, not official court reporters employed by the Judicial Branch. As of December 2021, 1,202 certified shorthand reporters are employed by the California Judicial Branch.⁶⁵ This equals less than a quarter (23.8 percent) of the active licensees with addresses registered in California, and that trend is consistent with or lower than the national average of less than 30 percent of shorthand reporters working for the courts.⁶⁶

Moreover, the decreasing workforce is not the lone factor in California’s court reporter shortage. While the number of active licensees dwindles, the need for court reporters also grows larger. The difference between supply and demand presents an imbalance that is expected to worsen in the future:

Figure 9.



Lack of supply is widespread throughout the country, but California is exceptionally disadvantaged. The supply of stenographers relative to demand is at least six percent lower in California than the national average (See Figure 2). California’s gap between supply and demand is also greater than any other individual state’s—and it is not due simply to California’s large population. This shortage is the worst proportionately. By 2023, Texas, New York, and Illinois

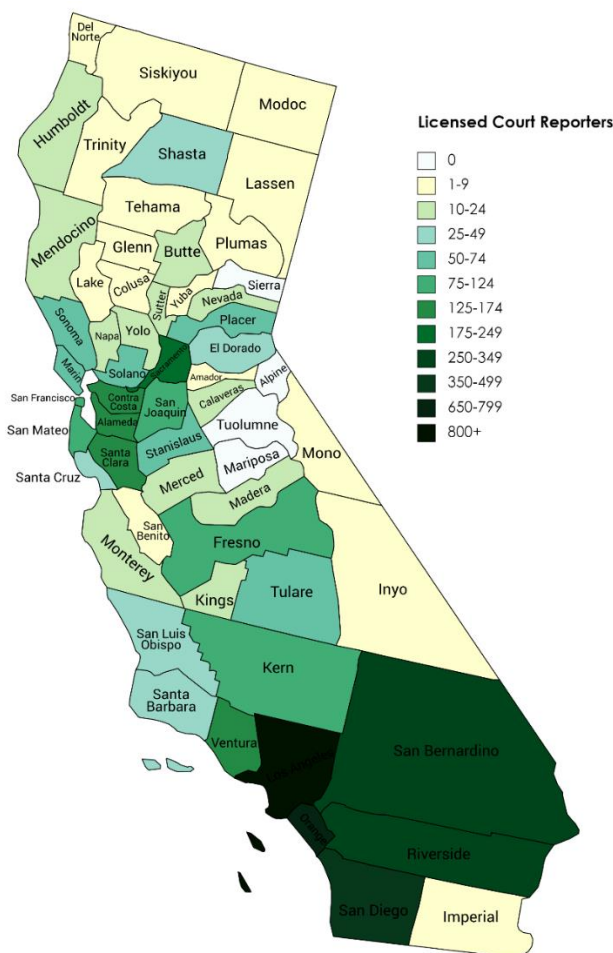
⁶⁵ Judicial Council of California (2021).

⁶⁶ National Court Reporters Association, “Court Reporter Career Paths,” (no date) https://www.ncra.org/home/professionals_resources/professional-advantage/Court-Reporting (as of October 14, 2021).

are projected to have between 68 and 70 percent supply.⁶⁷ In the same year, California will have less than 60 percent supply.

California’s situation is unique also because of the state’s expansive size and urban-rural divide. Court reporters are in demand in every county, but they are not present in every county.

Figure 10.



Source: California Department of Consumer Affairs (2021)

These differences in supply between counties are, to a point, reflective of the demand in those counties. However, in areas where there are very few—even zero—court reporters, demand is still growing. Consider counties such as Shasta, which is surrounded by counties with nine or fewer court reporters and has only 34 itself.⁶⁸

⁶⁷ Speech to Text Institute, *The Tipping Point: A Predictive Analysis of the Stenographer Shortage* (2019), p. 9.

⁶⁸ Department of Consumer Affairs, “Public Information – Licensee Lists Overview” (2021), https://dca.ca.gov/consumers/public_info/index.shtml (as of October 18, 2021).

5. EFFECTS ON TRIAL COURTS

In an effort to understand the effects of the court reporter problem on California courts, the California Trial Court Consortium created and conducted a survey on small, small/medium, and medium/large courts’ court reporting operations. The survey was sent via email to 43 potential participants and 41 responded, a response rate of 95%. Participating courts submitted their survey responses between November and December 2021, and CTCC researchers followed up with 13 participants via phone or email to clarify their responses and ensure that all data were interpreted accurately. The full survey instrument is attached in Appendix A; the methodology description is attached in Appendix B. The survey sample is visualized in Figure 11:

Figure 11.



The data indicate that the court reporter shortage—and more so, the shortage of court reporters willing to work for the courts—broadly affects court operations throughout California, despite efforts to compete with private employers to incentivize and recruit CSRs.

5.1 Court Reporter Vacancies and Deficits

Sample-wide at the time of the survey, there were 208.85 FTE positions filled at the courts and another 49 vacancies; thus there were 257.85 FTE positions in the participant courts. This is an overall vacancy rate of 19 percent, but at the individual court level, the survey found vacancy

rates as high as 74 percent and as low as 0 percent. Within the counties represented in this sample, there are 798 active CSR licensees.⁶⁹ Based on these data, the courts employ 26 percent of licensees in their counties and would employ, if all positions were filled, 32 percent of licensees. This is consistent with the ongoing national trend of more than 70 percent of shorthand reporters working outside of the courts, and some in the industry believe this divide will continue to widen in the future.⁷⁰

The 19% vacancy rate is not a short-term issue, based on the time it takes courts to fill vacancies (when vacancies are filled; some go unfilled completely and are not included in this calculation):

Figure 12.

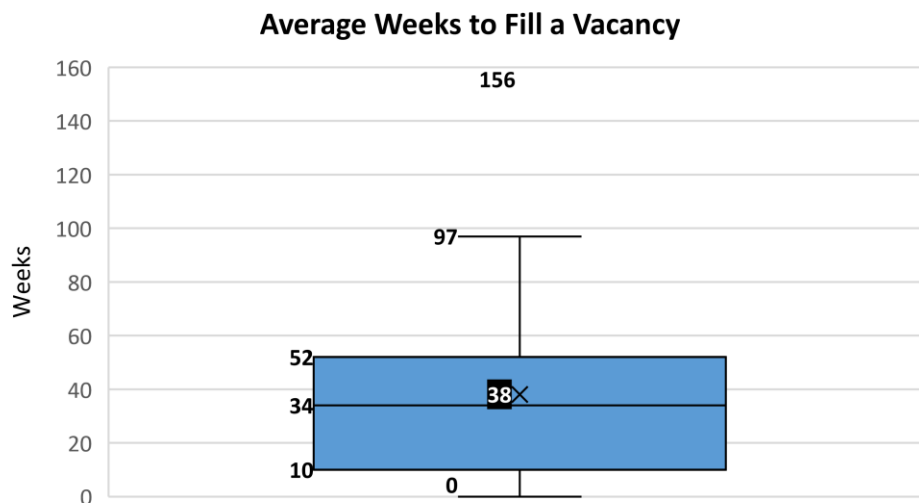


Figure 12 indicates that on average sample-wide, it takes a court 38 weeks to fill a vacancy. The median is similar at 34 weeks. Most courts (75 percent) need between 10 and 52 weeks to fill the average CSR vacancy. Among all courts surveyed, the minimum observed was 0 weeks at a small court; the maximum observed was 156 weeks at a different small court, where they have had two vacancies open for three years. Another court shared:

“We have been unable to fill any vacant positions since June 2020, despite continuously posting and recruiting for court reporters since that time.” –medium/large court

“Our vacancies have been left unfilled for more than 12 months, and we are having increased difficulty in finding other coverage. We are now faced with consolidating already compacted

⁶⁹ Department of Consumer Affairs, “Public Information – Licensee Lists Overview” (2021), https://dca.ca.gov/consumers/public_info/index.shtml (as of October 18, 2021).

⁷⁰ National Court Reporters Association, “Court Reporter Career Paths,” (no date) https://www.ncra.org/home/professionals_resources/professional-advantage/Court-Reporting (as of October 14, 2021).

calendars and moving a larger number of matters due to reporter unavailability/unfilled vacancies.” –small/medium court

Some participants also explained that their court has attempted to recruit outside of their county to fill the court reporter need:

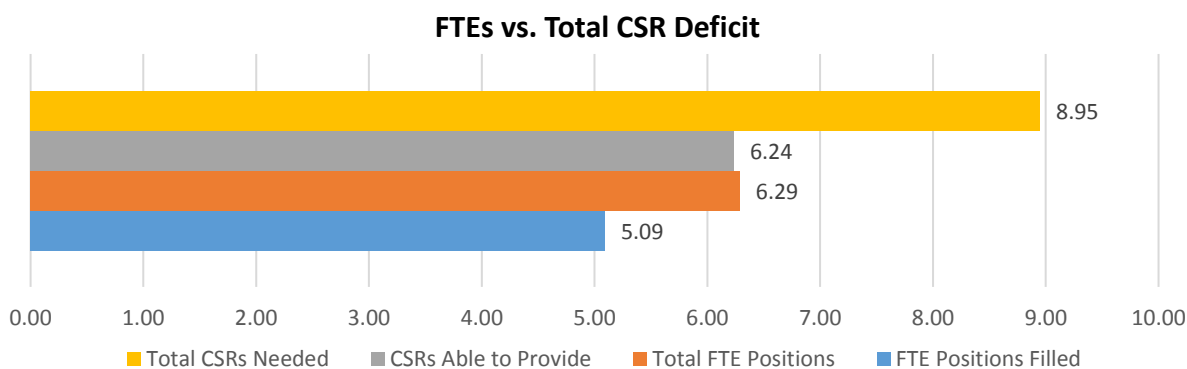
“We contacted every single CSR in neighboring counties within two hours of us and invited them to apply for the position. No one did. Our pro-tem CSRs are not interested in becoming official court reporters.” –small court

“A court supervisor spent 160 hours trying to get temporary coverage for a high-profile, three-week murder trial. We called as far as 40+ miles south, 115+ miles north, and 150+ miles west.” –small court

Exacerbating this situation, the number of vacant positions does not always equal the total CSR demand a court experiences overall. The number of court reporters a court needs tends to fluctuate weekly or daily depending on calendars, so a fixed FTE allocation—even if there are no vacancies—does not always accommodate everything a court requires to operate effectively. Some courts mentioned wanting to create new FTE positions to better match their total CSR need, but they are not able to due to lack of funding and/or inability to fill their existing vacancies.

To capture the distinction between courts’ FTEs and total CSRs needed, the survey asked participants to share the number of CSRs they need versus the number they are currently able to provide. This difference, defined as the CSR deficit, is presented in Figure 13:

Figure 13.



This comparison shows that courts are mostly able to provide CSRs to fill the gap between the occupied and vacant FTEs: while the average FTE positions filled is only 5.09, the average number of CSRs a court can provide regularly is 6.24. Many courts do so by hiring pro-tems who are paid daily rates for their services. Still, recruiting pro-tems can be as difficult as recruiting full-time employees:

“Our county uses per diem court reporters to cover absences of staff reporters. The current per diem pool has dwindled and is virtually non-existent. Many per diem reporters have taken work in the private sector.” -medium/large court

“The competition between courts to get a court reporter is not good. It skyrockets per diems. I have had reporters booked and the morning of, they call and cancel because one of my neighboring courts has offered them more money.” -small court

“We are finding that the per diem court reporters prefer calendars that will typically not require transcript prep.” -small court

“We have been trying to schedule [pro-tem] reporters one month in advance, but the agencies do not like to commit that far out and we have to drop the time to two weeks in advance. We oftentimes will ask counsel to waive a court reporter so the matter can go forward.” -small court

Moreover, the total CSR need of this survey sample is 366.95 and the total number of CSRs the courts are currently able to provide is 255.7. The sample-wide CSR deficit is 30 percent. Compared to the number of active CSR licensees in the counties in this sample, the courts’ demand equals 54 percent of the total CSR supply. Based on the consistent trend of a significant minority of shorthand reporters working for the courts (less than 30 percent), it is unlikely for the courts to eliminate their CSR deficits entirely.

5.2 Increasing CSR Deficit

Sample-wide, the average⁷¹ official court reporter is 51.64 years old and has worked for the court for 11.74 years. This is slightly lower but comparable to the national average stenographer age of 55 years old.⁷²

“Of the 19 staff reporters, five are eligible to retire at any time.” –medium/large court

“The overall average number of years our court reporters have worked for the court is 26.5 years, but two of our three FTEs have worked for the court an average of 38 years.” –small/medium court

“We do not have any staff court reporters, but some [pro tem court reporters] have worked here 20+ years and are ready to retire.” –small court

Survey respondents anticipate another 31.5 FTE separations within the next 12 months. Moreover, throughout the sample, courts expect to create 25 new FTE positions using the earmarked \$30 million in civil/family law court reporter funding from SB 170. This is a total of 56.5 positions that will need to be filled in these courts. These small-to-medium courts make up

⁷¹ The median is likely higher.

⁷² National Court Reporters Association, “NCRA Statistics,” (March 31, 2021) <https://www.ncra.org/home/about-ncra/NCRA-Statistics> (as of October 12, 2021).

19 percent of court operations statewide; 81 percent were not captured in this survey.⁷³ As discussed in Section 4.2.1, however, the state of California issues an average of only 52.5 new licenses each year. If 30 percent of new licensees accepted jobs within the court system, then there would be approximately 16 new court reporters. Further, if 19 percent of those new licensees worked in the courts represented in this sample, that would be only 3 new court reporters hired among the 56.5 positions needing to be filled across 41 courts (thus resolving only 5 percent of new vacancies). Moreover, beyond the 19 percent of operations represented in this report, the court reporter demand in the other 81 percent of court operations would largely go unmet as well, given the low number of new licenses issued.

Ultimately, the new positions from SB 170, once created, will add to the courts' vacancy rates and CSR deficits.

“The \$30 million, although welcome, still does not solve the primary issue of an insufficient number of certified court reporters willing to work in a court environment.” –small court

5.3 CSR Deficit Effects on Operations

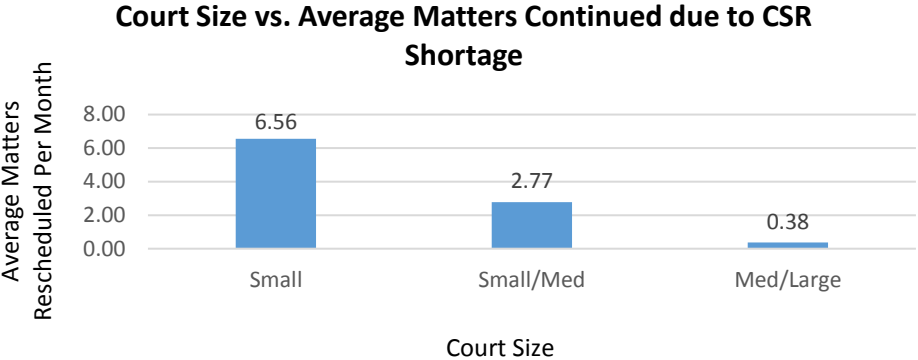
As they manage their CSR deficits, courts regularly experience interrupted operations due to a lack of court reporters. This is demonstrated most prominently when matters on calendar are canceled or continued because a court reporter is not present. Across the survey sample, 58.5 percent of courts indicated that they have had to cancel or continue matters due to lack of a court reporter. A total of 150 matters are rescheduled each month for this reason; the average court⁷⁴ continues 4.55 matters monthly. These calendar changes overwhelmingly affect mandatory proceedings in criminal and juvenile cases with an average of 2.41 and 1.64 matters, respectively. Civil and family proceedings are marginally affected with an average of 0.29 and 0.21 matters, respectively.

Smaller courts' calendars are more impacted than larger courts, as reflected in Figure 14:

⁷³ This is calculated based on the number of judicial officers. According to the 2021 Court Statistics Report, the 41 courts represented in this survey have a total of 381.5 total judicial positions (judges, commissioners, and referees). Statewide, there are 2,005 total judicial positions. Therefore, although 41 counties make up 70 percent of the total number of Superior Courts in California, the sample truly represents only 19 percent of Superior Court operations when controlling for size.

⁷⁴ This is based on a calculation of 33 courts out of the total sample of 41. 24 courts answered Yes, their court has had to change calendars at some point due to lack of a court reporter, but only 16 provided an average monthly number. The 8 courts that did not provide a monthly average were not included in the calculation. Another 17 answered No, so they were counted as 0s in the calculation. Since one-fifth of respondents indicated Yes but did not provide a number, it is likely that the total number of matters rescheduled monthly is higher than 150.

Figure 14.



This may be because larger courts have more staff in general and are thus able to be more flexible with their assignments. Smaller courts, on the other hand, may have 0 or 0.5 FTEs and cannot afford to lose any of the court reporting services available to them. Some participants expounded on this dynamic in their responses:

“In a two-judge court, we have two courtrooms. The critical issues are if two jury trials go at the same time. Additionally, if our reporter is ill or on vacation, having a backup ready is extremely difficult to secure.” –small court

“We are barely able to provide court reporters for the mandatory proceedings. If we lose the one and only court reporter we have, we may not be able to cover our mandatory proceedings.” –small court

The counts calculated in Figure 14 do not fully represent the extent of disruptions caused by the lack of court reporters. While some courts have not had to cancel hearings completely, it is becoming more common for courts to schedule their court reporters creatively to avoid cancelations. This includes combining calendars or delaying calendar start times to allow court reporters to move quickly between calendars.

“We’ve had to combine calendars several times due to court reporter shortages to avoid rescheduling cases.” –small/medium court

“While our county has not been forced to cancel and/or continue hearings for lack of a court reporter, we do stagger calendars and double up reporters often to meet our demand.” –medium/large court

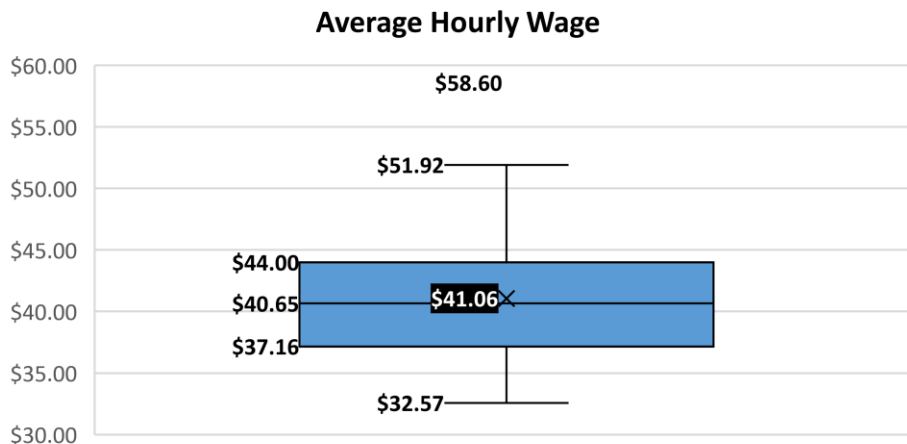
Apart from the stress and inconsistency this strategy can impose on court operations and court users, it also carries a significant risk of burnout for already limited court reporter resources.

5.4 Recruitment and Strategies

Public sector court reporter compensation is comparable to the private sector. Across this survey sample, the average hourly pay rate for permanent employee court reporters (non-supervisors) is

\$41.06. This is similar to the average of all court reporters in California, \$42.85 per hour.⁷⁵ The highest hourly wage observed is \$64.30 and the lowest observed is \$29.36. The range of average hourly pay rates is depicted in Figure 15:

Figure 15.



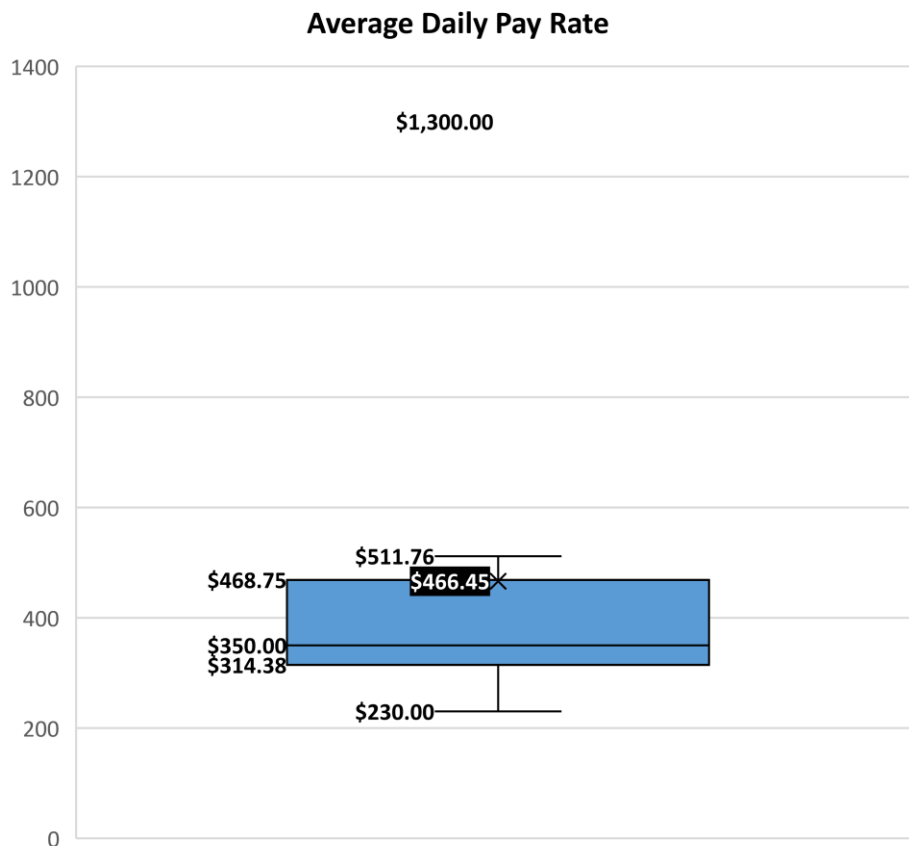
This plot shows that three-quarters of courts in this survey sample have an average hourly pay rate between \$37.16 and \$44.00. The median wage is \$40.65, similar to the average. Still, the outlier with the highest average hourly pay, a small court that offers \$58.60, has a 0.5 FTE vacancy that they have not been able to fill in over a year.

Meanwhile, courts with zero vacancies' hourly wages range from \$34.26 to \$47.04 and average \$39.86, less than the sample-wide average of \$41.06. These trends do not support the hypothesis that higher pay always exempts courts from unfilled vacancies or vice versa.

Further, courts expend additional resources on paying pro-tem court reporters. The average daily pay rate for a per diem is \$466.45, and the minimum and maximum observed are \$230 and \$1,800. The range of average daily salaries is depicted in Figure 16:

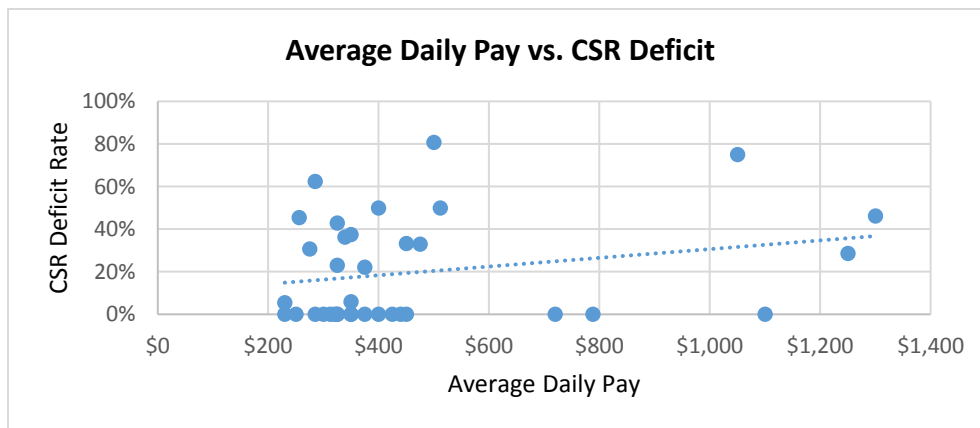
⁷⁵ <https://www.bls.gov/oes/current/oes273092.htm>

Figure 16.



This plot shows that three-quarters of courts in the sample pay pro-tem court reporters between \$314.38 and \$468.75 per day on average. The median, \$350.00, is notably lower than the average on account of the \$1,300 outlier. Like the trend observed with hourly pay, the average daily pay rate compared to CSR deficit rates indicates that paying higher daily wages is *not* associated with having less unmet demand. In fact, Figure 17 indicates that to some extent,⁷⁶ the opposite is true:

Figure 17.



⁷⁶ This is a positive correlation but considered statistically insignificant at a P-value of .166.

Higher wages for pro-tems are associated with greater CSR deficit rates overall. In other words, offering more money to certified court reporters has still not yielded the benefit of access to more CSRs. The trend demonstrated in Figure 16 is apparent among individual courts, as well; the court that offers the highest average daily pay rate, a medium/large court at \$1,300, also has a 46 percent CSR deficit. Meanwhile, the court that offers the lowest average daily pay rate, a small court at \$230, has zero CSR deficit. Ultimately, the data from the survey show no statistically significant difference in CSR deficit based on rate of pay.

Courts regularly reevaluate their recruitment strategies and incentives as they attempt to fill their long-term vacancies. Some courts have relationships with local court reporting schools, professional associations, and deposition firms to circulate their job postings and train students. Seven courts, or 17 percent of the survey sample, actively maintain such connections. Other courts—18 total or 44 percent—offer salary and other incentives including bonuses for providing real-time services, vacation time, and payment of license renewal fees. Some courts have increased or intend to increase their spending on these efforts:

“We offer a \$5,000 hiring bonus.” –small/medium court

“We are looking at increasing reporter salaries by 15 percent across the board to keep the reporters we have and to be more competitive with our ongoing recruitment.” –small court

Some courts are also actively working to support growth in the court reporting industry long-term, in addition to attempting to solve their current shortage problems:

“We are working with a non-profit, Project Steno, to introduce reporting in high schools and prepare students to take state boards. The goal is to increase the pool of reporters in the next 5+ years.” –medium/large court

Yet vacancies remain unfilled and courts continue to struggle with meeting their court reporting demand. On average, courts in this survey sample receive fewer than three applications per vacancy. Among those applications, less than half (48 percent) are qualified.

*“Very few people who apply have the CSR license, which is required for the job.”
–medium/large court*

*“We received 72 applications for our last vacancy and only 3 to 5 were qualified. The rest weren’t court reporters; they applied broadly from office assistant jobs and things like that. Our court does not have any other requirements for qualification other than the CSR license.”
–small/medium court*

Having recruitment relationships or offering incentives does not appear to increase the number of qualified applicants a court receives for a CSR vacancy, either. Among those courts that maintain recruitment relationships, the average opening yields fewer applications than in courts that do not

have recruitment relationships. Similarly, the courts that offer salary bonuses or other types of incentives receive fewer applications per opening than courts that do not offer incentives. This trend is demonstrated in Figure 18:

Figure 18.

	Average Number of Qualified Applicants per Vacancy
Court has recruitment relationships	0.69
Court does not have recruitment relationships	1.16
Court offers salary incentives	0.8
Court does not offer salary incentives	1.31

While this trend does not indicate that courts participating in recruitment activities with other organizations or offering new hires incentives causes fewer applications per vacancy, it does show that these efforts are no guarantee of greater success in recruitment.

CONCLUSION

The survey does not explain what the ultimate cause of the court reporter shortage may be. Nor does it present a clean solution to the existing problem. There may be elements not investigated, like the effects of geographic area or court size, and there are likely subjective factors at play, like potential student perceptions of the longevity of the industry.

But the data, both from the industry analysis and the survey, do support the following conclusions:

- Supply is down nationwide and in California in particular. The number of active CRB licensees decreases consistently each year.
- Fewer new court reporters are being licensed each year, and fewer students are attending fewer schools.
- Relative to the total licensee base in California, a small number of court reporters work in the courts. Based on the statutory requirements for stenographic court reporters, courts are unlikely to be able to fill their vacancies. The gap between supply and demand is expected to worsen with the introduction of new positions.
- The stenographer shortage regularly affects court operations, especially in smaller courts.
- Aggressive recruitment, including establishing relationships with court reporting schools and associations as well as offering salary incentives and hiring bonuses, is not supported as a solution.
- Higher pay does not improve recruitment results in surveyed courts.

Taken together, this information may indicate that while the reporter shortage within the courts is certainly impacted by insufficient supply overall, insufficient supply of CSRs may be just as driven by CSR preferences between the structured work of the courts versus the more flexible work with deposition firms or other organizations. The courts are subject to legislative authority on how they structure the court reporting work environment whereas private firms operate independently.

Individuals reviewing this report and related data will need to make their own conclusions on appropriate next steps for their court, potentially informed by the information presented herein.

APPENDIX A. Survey Instrument

Welcome! Thank you for participating in this survey.

You will be asked a series of questions about court reporters at your court. To protect your privacy, survey results will be presented in categories and not by individual court. However, survey responses may be subject to disclosure in the event of a CRC 10.500 request.

Taking this survey consents to the use of these data in an aggregated report. Completing the survey also acknowledges that 1) you will be notified when and if a CRC 10.500 request is made for non-aggregated data submitted as part of this request and 2) disclosure of data in response to such a request will be made without further permission or correspondence. Raw, anonymized data will be provided upon request to any court that participates in the survey.

Please answer each question as completely and accurately as possible. If a question does not apply to you, enter N/A. Please complete the survey by December 3, 2021 at 11:59 PM. Thank you!

1. What county is your court in?

2. What size is your court?

- 2-5 judges (small)
- 6-15 judges (small-medium)
- 16-47 judges (medium-large)
- 48+ judges (large)

3. How many court reporter FTE (regardless of employment or contractual status) **do you need to:**

Cover all mandatory proceedings (i.e. death penalty proceedings; juvenile proceedings not before a referee or commissioner; felony cases; "withdrawal of consent to adopt" proceedings; or as specially required by statute)?

Cover non-mandatory proceedings where electronic recording is not

allowed (i.e. unlimited civil, family law)?

Cover non-mandatory proceedings where electronic recording is allowed (i.e. misdemeanors, infractions, limited civil)?

4. How many court reporter FTEs (regardless of employment or contractual status) are you currently able to provide in:

Mandatory proceedings (i.e. death penalty proceedings; juvenile proceedings not before a referee or commissioner; felony cases; "withdrawal of consent to adopt" cases proceedings; or as specially required by statute)?

Non-mandatory proceedings where electronic recording is not allowed (i.e. unlimited civil, family law)?

Non-mandatory proceedings where electronic recording is allowed (i.e. misdemeanors, infractions, limited civil)?

5. How many FTE court reporters do you currently employ?

6. How many FTE court reporter vacancies do you currently have?

7. How many additional FTE court reporter positions do you anticipate creating with the new \$30 million in Civil/Family Law Court Reporter Funding?

8. What is the lowest hourly pay rate for your employed court reporters? (Exclude supervisors and managers.)

9. What is the highest hourly pay rate for your employed court reporters? (Exclude supervisors and managers.)

10. What is the lowest daily pay rate you've paid for a full-day pro-tem or per diem court reporter in the past 12 months?

11. What is the highest daily pay rate you've paid for a full-day pro-tem or per diem court reporter in the past 12 months?

12. What is the average length of employment (in years) of your court reporters?

13. What is the average age of your court reporters?

14. When you have a vacancy for a court reporter, how long does it typically take to fill the position? (Please estimate the time in weeks, from the time of posting to the time of applicant accepting the offer.)

15. What is the longest period of time a court reporter vacancy has gone unfilled at your court (in weeks)?

16. About how many applications do you typically receive for vacant court reporter positions?

17. Of the applications received for an average court reporter vacancy, about how many applicants are qualified (meet the minimum qualifications for the position)? Please estimate the percent. (If not applicable, please enter N/A in the box.)

0 100

18. About how many court reporter separations, resignations, or retirements (vacancies) has your court experienced in the past three years?

19. Do you anticipate any upcoming vacancies in the next 12 months?

- Yes
- No

20. How many upcoming vacancies do you anticipate in the next 12 months?

21. In the past three years, about how many court reporters has your court hired or began using for the first time?

22. Does your court offer any incentives or salary enhancements to court reporters?

- Yes
- No

23. Please describe the incentives or salary enhancements your court offers.

24. Does your court have any relationships with local court reporting schools or associations to help with recruitment?

Yes

No

25. Please describe the relationship(s) with court reporter schools or associations.

26. Has your court ever needed to reschedule matters to another time due to a court reporter not being available?

Yes

No

27. How many matters in an average month have been rescheduled to another time due to a court reporter not being available?

28. Please indicate the number of matters in an average month of each case type that have been rescheduled due to the lack of a court reporter.

Criminal	<div style="border: 1px solid black; height: 21px;"></div>
Civil	<div style="border: 1px solid black; height: 21px;"></div>
Family	<div style="border: 1px solid black; height: 21px;"></div>
Juvenile	<div style="border: 1px solid black; height: 21px;"></div>

29. Would you like to share anything else?

APPENDIX B. Methodology

Survey Design and Response

The 2021 CTCC Court Reporters Survey (see Appendix A) was written by CTCC committee members and staff from two courts. It was revised and rewritten by committee members and staff from nine courts. It was designed to capture several quantitative measures as well as allow respondents to share anecdotal or qualitative data, which are the source of the quotes throughout this report. The survey was finalized and released to CTCC member courts, 43 total, on November 19, 2021. 41 courts participated in the survey between November 19 and December 14, 2021, yielding a 95% response rate. The researchers followed up with 13 participants via phone or email to clarify their responses and ensure that all data were interpreted accurately. Following the data analysis, and prior to publishing this report, the data were anonymized, removing court names from the response data.

Data Analysis

The survey data were analyzed to answer the following questions:

- How many court reporter FTE positions are currently filled?
- How many court reporter FTE positions are vacant?
- Does a court's number of FTE positions represent the court's total need for court reporting services?
- How much do the courts pay for FTE official court reporters?
- How much do the courts pay for pro-tem court reporters?
- Does paying full-time or pro-tem court reporters higher wages make a court less likely to experience FTE vacancies and/or CSR deficit?
- How old is the average CSR employed by these courts?
- How are court operations affected by the lack of CSRs?
- How long does it take a court to fill an FTE official court reporter vacancy?
- How many courts offer incentives and/or have recruitment relationships with other organizations?
- Does offering incentives and/or having recruitment relationships make a court more likely to fill their vacancies?

Researchers answered these questions by taking averages of quantifiable questions to summarize the sample-wide responses. Some research questions were both averaged and totaled (e.g., “How many court reporter FTE positions are currently filled?”) to capture the individual court status and the sample-wide statistic. Some questions were also broken down into categories based on court size, which allowed staff to make connections between trends and the qualitative data.

For interest areas that compared two variables (e.g., “Does paying higher wages make a court less likely to experience FTE vacancies and/or CSR deficit?”), staff conducted statistical tests to measure the strength and direction of the association between variables. Staff used www.socscistatistics.com to calculate the correlation coefficient (Pearson's r) and the p-value for

significance. All other analysis was conducted, and all graphs were created, in Excel. Maps were created using www.mapchart.net and Google My Maps.