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REPORT ON EARNINGS OF
CALIFORNIA COURT REPORTERS

DECEMBER 1973

Joint Legislative Audit Committee

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December 20, 1973

Honorable Edwin Z'Berg
Chairman, Assembly Judiciary
Subcommittee on Court Reporters
Room 3132, State Capitol
Sacramento, California 95814

Dear Ed:

Transmitted herewith is the Auditor General's report in response to your request for a review of the earnings of court reporters in California.

The counties do not have records of all income earned by court reporters. Although the counties are required to maintain payroll records for salaries paid, other amounts paid to reporters for per diem rates and charges for transcripts are treated as payments to private contractors; and the counties generally do not accumulate the annual amounts paid by the counties to court reporters for these charges.

Court reporters are paid transcript charges by the litigants in civil cases and the counties have no record of these payments. In addition, per diem charges are paid directly to court reporters by litigants in civil cases in some counties. The counties have no record of these payments.


Salary rates for court reporters are established by numerous sections of the Government Code. When counties feel that court reporters' salaries should be increased, they submit salary recommendations to the Legislature. As they do not have complete records as to the amounts earned by court reporters, the Legislature is not adequately informed when setting court reporters' salary rates.

Honorable Edwin Z'berg
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The Auditor General has recommended that legislation be enacted which will provide the Legislature with the information it requires to properly review and establish salary rates for court reporters.

With my warm best wishes,

Sincerely,



VINCENT THOMAS, Chairman
Joint Legislative Audit Committee

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SUMMARY OF FINDING AND RECOMMENDATION

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FINDING

COUNTIES DO NOT HAVE RECORDS OF
ALL PAYMENTS TO COURT REPORTERS

California counties do not have records of all income earned by court reporters, thereby resulting in inadequate data for the annual setting of court reporters' salaries.

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RECOMMENDATION

Enact legislation (1) requiring litigants in all civil cases to pay for all transcript fees and per diem charges to the court reporters through the county where the action is filed; (2) requiring counties to maintain annual records of all salaries, per diem payments, and transcript fee payments made to individual court reporters; (3) requiring counties to submit such annual income data to the Legislature.

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INTRODUCTION

This review was made in response to a legislative request to examine court reporters' income and to make appropriate recommendations regarding possible changes in the existing system of compensating court reporters.

We contacted various court administrators, reviewed various reports and made an in-depth analysis of individual court reporters' income at the Los Angeles Superior Court, Los Angeles Municipal Court, and the Sacramento Superior Court.

It is not feasible to verify the earnings of court reporters on a state-wide basis, because the terms and conditions of employment, including outside income, vary widely from county to county and complete records of court reporters' income is not maintained by the counties.

We responded to the questions and suggested recommendations contained in the legislative request to the extent that readily available information permitted.

FINDING

COUNTIES DO NOT HAVE RECORDS OF ALL PAYMENTS TO COURT REPORTERS

California counties do not have records of all income earned by court reporters, thereby resulting in inadequate data for the annual setting of court reporters' salaries.

Court reporters' earnings consist of salaries, per diem allowances and transcript fees from both criminal and civil proceedings. Unless forbidden by court rules, the reporters may also earn additional income from such sources as fees for recording depositions on a free-lance basis.

Salaries

Salary rates for court reporters are established by numerous sections of the Government Code. These authorized salaries vary from a low of \$7,200 per year in Merced County to a high range of \$16,560 to \$20,628 in Los Angeles County. Each California County is required to maintain records of all salaries paid to court reporters.

Per Diem Rates

Per diem rates are the daily rates which court reporters may charge when they are not salaried reporters, or when a salaried reporter is performing functions which are not included in his salaried position. Sections 69948 and 69949 of the Government Code set court reporters' per diem rates for contested cases at \$55, and for each default or uncontested case at \$10 per case up to a maximum of \$45 except in counties where a specific code section provides otherwise. For example, section 69894

of the Government Code provides for Los Angeles Superior Court reporters employed on a per diem basis to be paid a per diem rate of \$79.05, which is the highest in the state.

All counties, including those with salaried court reporters, retain some court reporters on a per diem basis. Many of the smaller counties such as Alpine, Amador, El Dorado and Mariposa, employ court reporters on a per diem basis only, since court reporters' services are not needed on a full time basis.

The courts of most counties do not maintain records relating to per diem payments made to court reporters. The courts in Los Angeles County are the only courts of the four courts we visited which annually accumulate all per diem payments to each court reporter. In some of the counties, such as Trinity County, per diem charges are paid directly to the court reporters by the litigants in civil cases. Where this is the case, the county has no record of the per diem payments.

Charges For Transcripts

The court reporters are also paid a fee for preparation of transcripts when these are required. Pursuant to Government Code Section 69950, charges for transcripts earned by reporters for both civil and criminal proceedings are 45 cents per 100 words for the original and 10 cents per 100 words for each copy, if purchased simultaneously. Charges for copies, if not purchased with the original, are 20 cents per 100 words for the first copy, and 10 cents per 100 words for each additional copy. An additional 50 percent may be charged for special daily copy service in civil cases.

Court reporter charges for transcripts are paid by the counties in criminal cases. The counties consider these payments as payments to private contractors and therefore do not annually accumulate the totals of these payments to each reporter. Charges for transcripts in civil cases are paid directly to the court reporters by the litigants and the counties have no record of these transactions.

When counties believe salaries to court reporters should be increased, they submit salary recommendations to the Legislature. As a result of not having complete records of all amounts paid to court reporters, the income data presented to the Legislature is not complete.

Therefore, in our judgment, the Legislature is not adequately informed when setting salaries of court reporters.

RECOMMENDATION

Enact legislation (1) requiring litigants in all civil cases to pay for all transcript fees and per diem charges to the court reporters through the county where the action is filed; (2) requiring counties to maintain annual records of all salaries, per diem payments, and transcript fee payments made to individual court reporters; (3) requiring counties to submit such annual income data to the Legislature.

OTHER PERTINENT INFORMATION

TRANSCRIPT PREPARATION COSTS

Court reporters pay transcribers to prepare transcripts. Court administrators estimate that approximately 35 percent of all transcript fees received by the reporters are expended by them for these services. The counties have no record of such expenditures.

COURT REPORTERS' EARNINGS IN SELECTED COUNTIES

We have reviewed records at Los Angeles and Sacramento Counties to determine the total amounts these counties paid to salaried court reporters for salaries and transcript fees for criminal actions. The results of this review are shown below.

	<u>Sacramento Municipal And Superior Court</u>	<u>Los Angeles Municipal Court</u>	<u>Los Angeles Superior Court</u>
Number Of Court Reporters Reviewed	<u>26</u>	<u>50</u>	<u>98</u>
Average 1972 Salary Paid By the County	\$16,247	\$18,741	\$18,591
Average Total Criminal Transcript Charges Paid by the County To Court Reporters	<u>7,779</u>	<u>11,537</u>	<u>6,028</u>
Total Average 1972 County Payments to Court Reporters for Salaries and Criminal Transcript Charges	<u>\$24,026</u>	<u>\$30,278</u>	<u>\$24,619</u>

Transcript fees for civil actions not included above.

Los Angeles is the only county contacted by us which accumulated payments that the counties have made to each court reporter. The above information for the courts in this county was abstracted from county reports. The salaried court reporters in the Los Angeles Municipal Court have very little revenue from the sale of civil transcripts. There are 160 salaried reporters in the Los Angeles Superior Court. 62 of these reporters received no revenue from the sale of criminal transcripts during 1972 and were, therefore, not included in the above tabulation. 98 of these reporters received both salaries and criminal transcript revenue and were, therefore, included in our tabulation.

Sacramento county pools court reporters of both the Municipal and Superior Courts and assigns them as needed to both civil and criminal courts. The 26 salaried reporters could therefore all receive revenue from the sale of transcripts of civil proceedings directly from the litigants.

Los Angeles and Sacramento courts have rules prohibiting salaried court reporters from participating in other related employment. Court reporters paid on a per diem basis are also employed by these courts with no restrictions on their other employment.

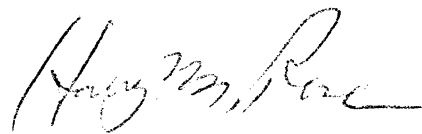
DUTIES OF COURT REPORTERS

Because there is a great deal of variance in the counties as to the duties which are considered a function of a salaried court reporter, it would be difficult to set a uniform state-wide salary scale.

In the larger counties, such as Los Angeles and Sacramento, court reporters generally perform only as reporters in the courts to which they are assigned, with no additional duties. Court rules generally prohibit the salaried court reporters in these courts from engaging in other related employment.

In contrast, court reporters in some of the smaller counties, such as Butte County, have additional reporting duties. For example, section 70045.8 of the Government Code states that the salary of the court reporter in Butte County is compensation for the following services:

- "(1) Report all criminal proceedings.
- (2) Report all civil commitment proceedings and all contempt proceedings.
- (3) Report all juvenile proceedings other than those heard by juvenile court referee or traffic hearing officer.
- (4) Report all family law proceedings.
- (5) Report all civil jury trials.
- (6) Report all hearings on petitions for extraordinary relief, including but not limited to proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram nobis.
- (7) Report all proceedings of the grand jury when requested by the foreman, or by the district attorney or by the county counsel.
- (8) Any other court proceedings when a party requests a court reporter in accordance with rules of court.
- (9) Report the preliminary examination of those accused of crimes before magistrates within Butte County.
- (10) Report coroner's inquests when requested by the coroner.
- (11) Report proceedings for the Butte County Board of Equalization when requested by the board."



Harvey M. Rose
Auditor General

December 19, 1973

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