



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 17, 2019

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Title	Agenda Item Type
Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters	Action Required
	Effective Date
	September 1, 2019
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Cal. Rules of Court, rules 2.956 and 3.55; revise forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC	April 16, 2019
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Recommended by	
Civil and Small Claims Advisory Committee	
Hon. Ann I. Jones, Chair	

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### Executive Summary

Recent changes in the law pertaining to a waiver of court fees for providing court reporters, providing court interpreters to parties in civil cases by priority level, and reimbursing courts for the cost of providing interpreters affect certain rules and forms that address fee waivers. The California Supreme Court recently held that courts that do not provide official court reporters must make available to parties entitled to a waiver of fees court reporters or other means to create a verbatim record. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) Earlier legislation (Assem. Bill 1657; Stats. 2014, ch. 721) added a section to the Evidence Code that requires the Judicial Council to reimburse courts for court interpreter services for parties in civil cases and prioritizes by case type the provision of court interpreter services.

The Civil and Small Claims Advisory Committee recommends that two California Rules of Court be amended and nine fee waiver forms be revised to provide, generally, that a party that has been granted a fee waiver may request a court to provide an official reporter at a proceeding,

delete an item addressing court-appointed interpreters in small claims actions, and change the language addressing court reporter's fees.

## **Recommendation**

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2019:

1. Amend Cal. Rules of Court, rules 2.956 and 3.55 to make changes consistent with *Jameson v. Desta* (2018) 5 Cal.5th 594; and
2. Revise the following forms to make changes consistent with *Jameson* and recent legislation, by replacing the existing language concerning a waiver of reporter's fees and to remove outdated and unnecessary language about a waiver of fees for a court-appointed interpreter in small claims court: FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC.

The text of the amended rules and the new and revised forms are attached at pages 13–33.

## **Relevant Previous Council Action**

Effective July 1, 2015, the Judicial Council amended rule 3.55 to consolidate the list of superior court fees relating to appellate matters that are waived as part of an initial fee waiver and add a new statutory requirement that court fees for court reporting services be included in all fee waivers and a related advisory committee comment. At the same time, the council revised forms FW-001-INFO, FW-003, FW-005, FW-008, and FW-012 to reflect the amendments to rule 3.55.

## **Background**

### **Official court reporters for fee waiver recipients**

*Jameson v. Desta* (2018) 5 Cal.5th 594 (*Jameson*) involved a plaintiff who had been granted a fee waiver under Government Code section 68631. Such a litigant is entitled to a waiver of court fees for the attendance of an official court reporter at a court proceeding (Gov. Code, § 68086(b).) In *Jameson*, however, the plaintiff was not provided a court reporter at his civil trial because the Superior Court of San Diego County, as a result of a reduction in its budget, had adopted a policy under which no official court reporters were provided at most civil trials, even for persons who qualified for a fee waiver. Under the policy, a party could hire and pay for a private court reporter. (*Jameson*, at p. 598.) It was undisputed that if an official court reporter had been made available for the trial in this case, the plaintiff would have been entitled to the court reporter's attendance at the trial without the payment of a fee. (*Id.* at p. 600.) The Supreme Court concluded that the superior court policy was inconsistent with prior in forma pauperis judicial decisions and with the public policy of facilitating equal access to the courts. (*Id.* at p. 599.) It stated:

[I]n order to satisfy the principles underlying California's in forma pauperis doctrine and embodied in the legislative public policy set forth in [Government

Code] section 68630, subdivision (a), when a superior court adopts a general policy under which official court reporters are not made available in civil cases but parties who can afford to pay for a private court reporter are permitted to do so, the superior court must include in its policy an exception for fee waiver recipients that assures such litigants the availability of a verbatim record of the trial court proceedings, which under current statutes would require the presence of an official court reporter.

(*Jameson*, at p. 623.)

The Supreme Court concluded that a superior court must generally make available to fee waiver recipients (1) an official court reporter or other valid means to create an official verbatim record, (2) for purposes of appeal, (3) upon request. (*Jameson*, *supra*, 5 Cal.5th 594 at p. 599.)

### **Court-appointed interpreters and fee waiver recipients**

Assembly Bill 1657 added section 756 to the Evidence Code to require the Judicial Council to reimburse courts for court interpreter services “provided in civil actions and proceedings to any party who is present in court and who does not proficiently speak or understand the English language.” It further provides, “If sufficient funds are not appropriated to provide an interpreter to every party that meets the standard of eligibility, court interpreter services in civil cases reimbursed by the Judicial Council ... shall be prioritized by case type by each court.” The statute provides eight different case-type priority levels, placing “[a]ll other civil actions or proceedings” (which encompasses small claims cases) as the eighth priority and provides that preference must be given to parties who have been granted fee waivers in certain case types, including all other civil actions or proceedings.

### **Analysis/Rationale**

As a result of *Jameson* and recent legislation, rules 2.956 and 3.55 must be amended and various fee waiver forms must be revised to conform to the law.

#### **Rule 2.956**

Rule 2.956(c), on court reporting services in civil cases, provides that if the services of an official court reporter are not available for a hearing or trial in a civil case, a party may arrange for a certified shorthand reporter to serve as an official pro tempore reporter. It further provides that the party must pay the reporter’s fee. Subdivision (c) of rule 2.956 would be amended to add a new subdivision (c)(2) that provides that if a party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, a party may request that the court provide an official reporter. Rule 2.956(c)(2) would read:

[If the services of an official court reporter are not available for a hearing or trial in a civil case, a party may:] [¶] ... [¶] (2) In compliance with any local court rules, request that the court provide an official reporter for attendance at the

proceeding, if the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial.

### **Rule 3.55**

Rule 3.55 lists the court fees and costs that must be waived upon the granting of an application for an initial fee waiver. The court in *Jameson* discussed subdivision (7) of rule 3.55 and the rule's advisory committee comment. The rule currently reads, in part:

Court fees and costs that must be waived upon granting an application for an initial fee waiver include: [¶] ... [¶] (7) Reporter's fees for attendance at hearings and trials, if the reporter is provided by the court.

The accompanying advisory committee comment currently provides as follows:

The inclusion of court reporter's fees in the fees waived upon granting an application for an initial fee waiver is not intended to mandate that a court reporter be provided for all fee waiver recipients. Rather, it is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.

The *Jameson* court concluded that rule 3.55(7) and its advisory committee comment should not be interpreted as addressing the issue before it—whether a general superior court policy, like the San Diego court policy at issue in the case, is compatible with the general principles embodied in past California in forma pauperis decisions and the legislative policy embodied in Government Code section 68630(a). (*Jameson, supra*, 5 Cal.5th at p. 618.) It reached this conclusion because rule 3.55(7), by its language, does not purport to address when a trial court is *required* to provide an official court reporter to prepare a verbatim record of the court proceedings. (*Ibid.*)

Despite the *Jameson* court's conclusion that rule 3.55 and its advisory committee comment do not address the issue of whether a trial court policy that does not provide official court reporters, but permits parties to retain reporters at their own cost, is consistent with court precedent and policies on access to justice, the advisory committee recommends the following amendments to the rule:

- Eliminate the phrase “if the reporter is provided by the court” in subdivision (7); and
- Change the current advisory committee comment as follows: “The inclusion of court reporter's fees in the fees waived upon granting an application for an initial fee waiver is ~~not intended to mandate that a court reporter be provided for all fee waiver recipients~~ intended to provide a fee waiver recipient with an official court reporter or other valid means to create an official verbatim record, for purposes of appeal, on a request. (See *Jameson v. Desta* (2018) 5 Cal.5th 594.) ~~Rather,~~ It is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.”

These amendments are proposed to eliminate any ability to interpret the rule as not requiring a court to provide an official reporter (if the court is not electronically recording the hearing or trial) when requested by a party granted a fee waiver.

### **Fee waiver forms**

Various fee waiver forms include “reporter’s fee for attendance at hearing or trial, if reporter provided by the court” among the items for which all or part of the fees are waived for a fee waiver recipient. Because, under *Jameson*, a court must provide a court reporter (unless the proceedings are electronically recorded) to fee waiver recipients, the fee waiver forms that are used in cases other than guardianship and conservatorship cases would be revised to replace the existing language about reporter’s fees with “reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter.” The fee waiver forms used in guardianship and conservatorship cases (indicated by “GC” in the form number) would be revised to replace the existing language about reporter’s fees with “reporter’s fee for attendance at hearing or trial, if you request that the court provide an official reporter.” Guardianship and conservatorship cases are not permitted to be electronically recorded so it would not make sense to include “if the court is not electronically recording the proceeding” on those forms.

This revision would be made to the following forms:

1. *Information Sheet on Waiver of Superior Court Fees and Costs* (FW-001-INFO) (item 1);
2. *Order on Court Fee Waiver (Superior Court)* (FW-003) (item 4a(1));
3. *Order on Court Fee Waiver (Superior Court) (Ward or Conservatee)* (FW-003-GC) (item 6a(1));
4. *Notice: Waiver of Court Fees (Superior Court)* (FW-005) (item 4);
5. *Notice: Waiver of Court Fees (Superior Court) (Ward or Conservatee)* (FW-005-GC) (item 6);
6. *Order on Court Fee Waiver After Hearing (Superior Court)* (FW-008) (item 5a(1));
7. *Order on Court Fee Waiver After Hearing (Superior Court) (Ward or Conservatee)* (FW-008-GC) (item 7a(1) and b(2));
8. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court)* (FW-012) (item 6d(2)); and
9. *Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Ward or Conservatee)* (FW-012-GC) (item 8d(2)).

These fee waiver forms also list “court-appointed interpreter in small claims court” as an item for which all or part of the fees are waived for a party granted a fee waiver. This was placed on the forms to specifically recognize that small claims courts were authorized to appoint an interpreter at public expense to a non-English-speaking litigant who qualified for a fee waiver. (See *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412.) Today, however, the reference to interpreters only “in small claims court” is confusing. Based on the changes made by AB 1657, all courts in civil proceedings, regardless of the type of proceeding or whether the party has been granted a fee waiver, may appoint an interpreter when needed by a limited English proficient

party, using the case-type priority levels in Evidence Code section 756. This proposal would therefore remove text relating to a waiver of fees for a court-appointed interpreter in small claims court from the following forms:

1. FW-001-INFO (“Having a court-appointed interpreter in small claims court” in item 1);
2. FW-003 (“Court-appointed interpreter in small claims court” in item 4);
3. FW-003-GC (“Court-appointed interpreter in small claims court” in item 6);
4. FW-005 (“Court-appointed interpreter in small claims court” in item 4);
5. FW-005-GC (“Court-appointed interpreter in small claims court” in item 6);
6. FW-008 (“Court-appointed interpreter in small claims court” in item 5);
7. FW-008-GC (“Court-appointed interpreter in small claims court” in item 7);
8. FW-012 (“Court-appointed interpreter” in item 6d(2)); and
9. FW-012-GC (“Court-appointed interpreter” in item 8d(2)).

### **Policy implications**

This proposal would expand access to justice by ensuring that fee waiver recipients have the ability to have a court reporter or other means to create a verbatim record in court proceedings.

### **Comments**

This proposal circulated for comment from December 11, 2018, to February 12, 2019. Eighteen entities or individuals submitted comments. Four commenters agreed with the proposal, eight agreed but suggested modifications, and the remainder did not indicate a position. Commenters included the California State Bar’s Commission on Access to Justice, the California Department of Child Support Services (DCSS), numerous legal service and housing advocacy organizations, two local bar associations, the Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, four superior courts, and a superior court manager. The following issues were raised by the comments:

1. **Automatic mechanism for ability to create a record without a request.** Several legal service organizations proposed that courts provide court reporters, or another mechanism for verbatim recording of proceedings, to all litigants with fee waivers, without requiring a specific request from the litigant. They stated that unrepresented tenants, for example, are unlikely to recognize the importance of a court reporter in preserving a meaningful right to appeal or pursue other postjudgment remedies. One legal services organization suggested that rule 2.956(c)(2) be amended as follows:

If the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, the court shall provide an official reporter for attendance at the proceeding.

This would be a change to the language in the proposal that circulated for comment, which made changes consistent with the holding in *Jameson*. As circulated, rule 2.956 would be amended to provide that a party granted a fee waiver *may request* that the court provide an official reporter if the court is not using an electronic recording. The

suggested modifications would require a court to automatically provide a court reporter (if not electronically recording the proceedings) to a fee waiver recipient. The *Jameson* court held that a fee waiver recipient is entitled to a means to create a verbatim record upon that party's request. The committee discussed the comment and noted that when hearings are scheduled, case management systems currently do not identify fee waiver recipients for calendaring purposes (and for purposes of filing fees they only identify the plaintiff or moving party). The committee further noted that *Jameson* requires courts to provide a means to create an official verbatim record only on the request of a fee waiver recipient, and concluded that the language should remain as proposed, which requires the party to request a court reporter.

2. **Rule provision that allows party to request a waiver of fees for court reporter or electronic record on fee waiver forms.** Legal services organizations that commented suggested that if the council finds that automatically providing court reporters to all indigent litigants is not possible, the rule should permit fee waiver applicants to request the waiver of court reporter or electronic record fees in the fee waiver form itself.

The revised forms that the committee proposes for revision are court orders that would allow the waiver of these fees. It is unnecessary for a fee waiver recipient to specifically request waiver of these fees. An item is added to the forms for waiver of "reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter."

3. **Uniform statewide procedure to request a court reporter.** The invitation to comment asked whether it would be helpful to have a uniform statewide procedure for a party to request a court reporter. Comments varied.
  - The JRS responded that it would not be and that it is sufficient that the forms will be available to every court (apparently referring to the form orders).
  - A superior court responded that courts do not have the ability to provide court reporters in the same manner throughout the state; therefore, flexibility must be allowed so that each court can determine the best way for litigants to request a court reporter be provided.
  - Several legal services organizations responded that there should be a standing order that court reporters be provided for all litigants with fee waivers. They stated that a second-best alternative would be a statewide court reporter request form because it would ensure a uniform and accessible procedure to request a court reporter.
  - The California Department of Child Support Services responded as follows: "A uniform statewide procedure would address inconsistencies and require courts to conform to a unified system."

The proposal did not include a statewide form. The committee decided that this is something to consider developing for circulation in a future public comment cycle. Some courts currently have such forms that may serve as models.

4. **Addition to rule 3.55 to include waiver of fee for digital copy.** The invitation to comment asked, “Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?”

Several commenters, including legal services organizations, the Orange County Bar Association, and a superior court manager, responded that it should be amended to provide that a waiver of initial fees includes this fee. The DCSS disagreed, stating, “The *Jameson* court was concerned that litigants have access to appellate review; the current rule 3.55 and rule 8.835 address the cost of preparing a transcript or submitting the electronic recording to the appellate court.”

Rule 3.55(11), which was not part of the proposal that circulated for comment, does include among the items that must be waived upon granting an initial fee waiver “[t]he clerk’s fee for preparing a transcript of an official electronic recording under rule 8.835 or a copy of such an electronic recording.” Rule 8.835 applies to the record in civil appeals in the appellate division of the superior court when trial proceedings are officially electronically recorded. Electronic recording is permitted in limited civil cases, which are appealed to a superior court’s appellate division. Thus, rule 3.55 already includes a waiver of fee for the transcript or copy of an electronic recording and there is no need to add this item.

5. **Amended language in rule 3.55 requiring waiver of “reporter’s fee.”** (The proposal would amend rule 3.55 as follows: (6) Reporter’s fees for attendance at hearings and trials, ~~if the reporter is provided by the court.~~)

A superior court asked, “What is the ‘reporter’s fee’ the court will be paying for, as the new language may be construed to require the courts to pay any fee charged by an outside pro tem reporter or agency providing a pro tem reporter?” The court suggested the following alternative language: “Reporter’s fees established (or set) by the court for attendance at hearings and trials.”

The court executive officer of another court commented that deleting the language as proposed in the invitation to comment creates an ambiguity that could be interpreted to mean that the court is responsible for paying for reporters that are not provided by the court. The committee discussed this and determined that no change should be made to further describe the reporters’ fees as the law permits only waiver of the fees that are actually paid by the court.

6. **Advisory committee comment to rule 3.55.** Several commenters stated that rather than amending the advisory committee comment it should be removed entirely. They believe



that the proposed version of the comment remains confusing and does nothing to clarify the rule itself, which they believe is clear on its own.

The proposal as circulated would amend the advisory committee comment to read as follows:

The inclusion of court reporter's fees in the fees waived upon granting an application for an initial fee waiver is not intended to ~~mandate that a court reporter be provided for all fee waiver recipients~~ expand the use of court reporters in proceedings in which an official court reporter is not currently required. Rather, it is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.

The amendment is intended to clarify that the rule does not expand the case types in which an official reporter, rather than electronic recording, is required. The committee agreed that the proposed advisory committee comment could be confusing and therefore recommends that it be amended to use language in the *Jameson* opinion and to cite that case, as follows:

The inclusion of court reporter's fees in the fees waived upon granting an application for an initial fee waiver is ~~not intended to mandate that a court reporter be provided for all fee waiver recipients~~ intended to provide a fee waiver recipient with an official court reporter or other valid means to create an official verbatim record, for purposes of appeal, on a request. (See *Jameson v. Desta* (2018) 5 Cal.5th 594.) ~~Rather,~~ It is intended to include within a waiver all fees mandated under the Government Code for the cost of court reporting services provided by a court.

7. **Fee waiver does not include transcript costs.** The San Diego Bar Association Appellate Practice Section suggested adding a sentence "in the explanation pages" to clarify that the fee waiver only applies to the cost to have a court reporter attend the trial court proceedings and take shorthand notes and does not include the cost to transcribe those shorthand notes into the official reporter's transcript that may be part of the record on appeal.

The committee discussed this and decided it was unnecessary to make this change.

8. **Clarify type of electronic recording in rule 2.956 reference.** The California Department of Child Support Services commented that some electronic recordings may only be used to monitor personnel, under Government Code section 69957(b). Because of this, the commenter suggested that rule 2.956(c)(2) be modified to make clear that a court's use of electronic recording that would result in a fee waiver recipient not being

entitled to an official reporter does not include use of electronic recording solely for court internal personnel reasons under Government Code section 69957(b).

The committee discussed this and decided it was unnecessary to make this change, as nothing in the rule suggests that an electronic recording under Government Code section 69957(b) may be used to provide a verbatim record of the proceedings to an appellant granted a fee waiver.

### **Alternatives considered**

In addition to alternatives raised by public comments and discussed above, the advisory committee considered generally how best to amend the rule text and advisory committee comment to reflect the holding in *Jameson*. The committee did not consider alternatives to amending the rule and revising the forms because of the importance of these changes—some are needed to conform to the law and others are useful to implement statutory changes and to avoid confusion.

### **Fiscal and Operational Impacts**

This proposal's fiscal and operational impacts on courts result from clarifications to and changes in the law. The proposal implements those changes. It is likely that some training of court staff will be necessary. The cost to courts of providing court reporters for fee waiver recipients is unknown but may be significant. The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee submitted a comment stating that courts will have to find a way to provide reporters in these civil cases and this will compete with the requirement to provide reporters in other cases. The reporters will have to work more cases or the court will need to potentially hire more reporters. It will result in an increased court staff workload. The Superior Court of Los Angeles County quantified the impact in its comment as follows: implementation would require 16 hours to draft the request form, process, and procedure. In addition, 30 minutes to one hour of training would be needed for public counter staff, courtroom clerks, and the court reporter services unit on process and procedure.

In addition, some costs will result from the need to replace outdated forms if the court provides paper copies of forms

### **Attachments and Links**

1. Cal. Rules of Court, rules 2.956 and 3.55, at pages 11–12
2. Forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, FW-012-GC, at pages 13–35
3. Chart of comments, at pages 36–93

Rules 2.956 and 3.55 of the California Rules of Court are amended, effective September 1, 2019, to read:

1 **Rule 2.956. Court reporting services in civil cases**  
2

3 **(a) Statutory reference; application**  
4

5 This rule is adopted solely to effectuate the statutory mandate of Government Code  
6 sections 68086(a)–(b) and must be applied so as to give effect to these sections. It  
7 applies to trial courts.  
8

9 **(b) \* \* \***  
10

11 **(c) Party may procure reporter or request reporter if granted fee waiver**  
12

13 If the services of an official court reporter are not available for a hearing or trial in  
14 a civil case, a party may:

15  
16 (1) Arrange for the presence of a certified shorthand reporter to serve as an  
17 official pro tempore reporter. It is that party’s responsibility to pay the  
18 reporter’s fee for attendance at the proceedings, but the expense may be  
19 recoverable as part of the costs, as provided by law; or  
20

21 (2) In compliance with any local court rules, request that the court provide an  
22 official reporter for attendance at the proceedings, if the party has been  
23 granted a fee waiver and if the court is not electronically recording the hearing  
24 or trial.  
25

26 **(d)–(e) \* \* \***  
27  
28

29 **Rule 3.55. Court fees and costs included in all initial fee waivers**  
30

31 Court fees and costs that must be waived upon granting an application for an initial fee  
32 waiver include:

33  
34 ~~(1)–(4)~~ \* \* \*  
35

36 ~~(5) Court-appointed interpreter’s fees for parties in small claims actions;~~  
37

38 ~~(6)(5)~~ \* \* \*  
39

40 ~~(7)(6) Reporter’s fees for attendance at hearings and trials, if the reporter is provided by~~  
41 ~~the court;~~  
42

1 ~~(8)-(10)(7)-(9)~~ \* \* \*

2

3 ~~(11)(10)~~ The clerk's fee for preparing a transcript of an official electronic recording under  
4 rule 8.835 or a copy of such an electronic recording.

5

6

**Advisory Committee Comment**

7

8 The inclusion of court reporter's fees in the fees waived upon granting an application for an initial

9 fee waiver is ~~not intended to mandate that a court reporter be provided for all fee waiver~~

10 ~~recipients~~ intended to provide a fee waiver recipient with an official court reporter or other valid

11 means to create an official verbatim record, for purposes of appeal, on a request. (See *Jameson v.*

12 *Desta* (2018) 5 Cal.5th 594.) ~~Rather,~~ It is intended to include within a waiver all fees mandated

13 under the Government Code for the cost of court reporting services provided by a court.

## INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs *and* your court fees, you may ask the court to waive all or part of those fees.

- To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:
  - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
  - Making and certifying copies
  - Sheriff's fee to give notice
  - Court fee for telephone hearing
  - Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
  - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
  - Preparing, certifying, copying, and sending the clerk's transcript on appeal
  - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.834
  - Making a transcript or copy of an official electronic recording under rule 8.835
  - Giving notice and certificates
  - Sending papers to another court department
- You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:
  - Jury fees and expenses
  - Fees for court-appointed experts
  - Other necessary court fees
  - Fees for a peace officer to testify in court
  - Court-appointed interpreter fees for a witness
- If you want the Appellate Division of the Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO).

### IMPORTANT INFORMATION!

- You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**
- The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- Public benefits programs listed on the application form.** In item 5 on the *Request to Waive Court Fees* (item 8 of the *Request to Waive Court Fees (Ward or Conservatee)*), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
  - Medi-Cal
  - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
  - SSP—State Supplemental Payment
  - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
  - County Relief/Gen. Assist.—County Relief, General Relief (GR), or General Assistance (GA)

- IHSS—In-Home Supportive Services
- CalWORKs—California Work Opportunity and Responsibility to Kids Act
- Tribal TANF—Tribal Temporary Assistance for Needy Families
- CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants

• **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the **court** within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) or *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.

• **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.

• **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Gov. Code, § 68637(d), (e); Cal. Rules of Court, rule 7.5).)

• **If you settle your civil case for \$10,000 or more:** Any trial court-waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.

• **The court can collect fees and costs due the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.

• **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.

• **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.

**Order on Court Fee Waiver  
(Superior Court)**

*Clerk stamps date here when form is filed.*

**DRAFT**

**3-25-2019**

**Not approved by  
the Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number and name:*

**Case Number:**

**Case Name:**

**1 Person who asked the court to waive court fees:**

Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3 A request to waive court fees was filed on (date):** \_\_\_\_\_

The court made a previous fee waiver order in this case on (date): \_\_\_\_\_

**Read this form carefully. All checked boxes  are court orders.**

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**4 After reviewing your:**  *Request to Waive Court Fees*  *Request to Waive Additional Court Fees*  
**the court makes the following orders:**

a.  The court **grants** your request, as follows:

(1)  **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2)  **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): \_\_\_\_\_
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

b.  The court **denies** your fee waiver request because:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1)  Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:
  - Below     On Attachment 4b(1)

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(2)  The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated:  Below     On Attachment 4b(2)

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The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. (1)  The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

Below     On Attachment 4c(1)

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(2)  Bring the items of proof to support your request, if reasonably available, that are listed:

Below     On Attachment 4c(2)

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**This is a Court Order.**



Your name: \_\_\_\_\_

Name and address of court if different from above:



Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**Warning!** If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: \_\_\_\_\_

Signature of (check one):  Judicial Officer  Clerk, Deputy

### Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT**

**03-25-2019**

**Not approved by  
the Judicial Council**

**1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:**

Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**2 Lawyer, if person in 1 has one:**

Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**3 (Proposed) ward or conservatee:**

Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**4 Lawyer for (proposed) ward or conservatee, if any:**

Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**5 A request to waive court fees was filed on (date): \_\_\_\_\_**

The court made a previous fee waiver order in this case on (date): \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number and name:*

**Case Number:**

**Case Name:**

***Read this form carefully. All checked boxes  are court orders.***

**Notice:** The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may later order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

**6 After reviewing your:  Request to Waive Court Fees  Request to Waive Additional Court Fees**

**the court makes the following orders:**

a.  The court **grants** your request concerning the ward's or conservatee's court fees and costs, as follows:

(1)  **Fee Waiver.** The court grants your request and waives the fees and costs listed below.

*(Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:*

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

*(List continued on next page.)*



- 6 a. (1) • Reporter’s fee for attendance at hearing or trial, if you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk’s transcript on appeal
- Holding in trust the deposit for a reporter’s transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835

(2)  **Additional Fee Waiver.** The court grants your request and waives the additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- |                                                           |                                                                         |
|-----------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> Jury fees and expenses           | <input type="checkbox"/> Fees for a peace officer to testify in court   |
| <input type="checkbox"/> Fees for court-appointed experts | <input type="checkbox"/> Court-appointed interpreter fees for a witness |
| <input type="checkbox"/> Other ( <i>specify</i> ): _____  |                                                                         |

b.  The court **denies** your fee waiver request, as follows:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1)  The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the ward’s or conservatee’s fees and costs, or
- File a new revised request that includes the items listed:  Below  On Attachment 6b(1)

\_\_\_\_\_

\_\_\_\_\_

(2)  The court **denies** your request because the information you provided on the request shows that the ward or conservatee is not eligible for the fee waiver for the reasons specified:

Below  On Attachment 6b(2)

\_\_\_\_\_

\_\_\_\_\_

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Ward or Conservatee)(Superior Court)* (form FW-006-GC). You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006-GC to request hearing.*)

c. (1)  The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about questions regarding your eligibility specified:

Below  On Attachment 6c(1)

\_\_\_\_\_

\_\_\_\_\_

(2)  Bring the items of proof to support your request, if reasonably available, that are listed:

Below  On Attachment 6c(2)

\_\_\_\_\_

\_\_\_\_\_

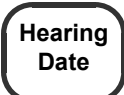


Name of (Proposed) Ward or Conservatee:

Case Number:

**Warning!** If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay the ward's or conservatee's fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

**NOTE TO GUARDIAN or CONSERVATOR:** If there are unpaid court fees after a denial of a request for a fee waiver, your case—including the guardianship or conservatorship proceeding if the waiver is requested in that matter—might not go forward. After a denial, you may choose to advance the court costs yourself to ensure that the case proceeds. If you or another person is appointed as guardian or conservator, you would have an opportunity to be reimbursed for such advances from the assets of the guardianship or conservatorship estate, if any, as allowable expenses of administration. You might also have the right to reimbursement for advanced court costs from persons with an obligation to support the ward or conservatee from assets not part of his or her estate, such as a parent of the ward, the spouse or registered domestic partner of the conservatee who is managing the couple's community property outside the conservatorship estate, or the trustee of a trust of which the conservatee is a beneficiary.

	Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

Name and address of court if different from above:

Date: \_\_\_\_\_



Signature of (check one):  Judicial Officer  Clerk, Deputy



**Request for Accommodations.** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT**  
  
**2-11-2019**  
  
**Not approved by  
the Judicial Council**

**1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:**

Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**2 Lawyer, if person in 1 has one:**

Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

**3 (Proposed) ward or conservatee:**

Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

*Court fills in case number when form is filed.*

**Case Number:**  
  
**Case Name:**

**4 Lawyer for (proposed) ward or conservatee, if any:**

Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**5** Your *Request to Waive Court Fees* was filed on (date): \_\_\_\_\_

**6** Your request is **granted** by operation of law because no court action was taken within five days after it was filed. A fee waiver is granted for the following court fees and costs (*Cal. Rules of Court, rule 3.55*):

- Filing papers
- Giving notice and certificates
- Sending papers to another court department
- Court fee for phone hearing
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835

**Read Notice to (Proposed) Guardian or Conservator on page 2.**

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_



Name of (Proposed) Ward or Conservatee: \_\_\_\_\_

Case Number: \_\_\_\_\_

**Notice to (Proposed) Guardian or Conservator:** The court may order you to answer questions about the (proposed) ward's or conservatee's finances and order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also order you make efforts to collect money for the waived fees from those owing a duty of support of the ward or conservatee.

If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is a civil case against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay the fees. If you settle the civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

### Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*):

- I handed a copy of this notice to the party and attorney(s), if any, listed in ①, ②, and ④, at the court, on the date below.
- This notice was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in ①, ②, and ④, from (*city*): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**Notice: Waiver of Court Fees  
(Superior Court)**

*Clerk stamps date here when form is filed.*

**DRAFT**  
  
**02-15-2019**  
  
**Not approved by  
the Judicial Council**

**1** **Person who asked the court to waive court fees:**  
Name: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone number: \_\_\_\_\_

**2** Lawyer, if person in **1** has one: *(name, firm name, address, phone number, e-mail, and State Bar number):*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3** Your *Request to Waive Court Fees* was filed on *(date)*:  
\_\_\_\_\_

**4** Your request is **granted** by operation of law because no court action was taken within five days after it was filed. A fee waiver is granted for the following court fees and costs *(Cal. Rules of Court, rule 3.55)*:

*Fill in court name and street address:*

**Superior Court of California, County of**  
\_\_\_\_\_  
\_\_\_\_\_

*Court fills in case number when form is filed.*

**Case Number:**  
\_\_\_\_\_  
**Case Name:**  
\_\_\_\_\_

- Filing papers
- Giving notice and certificates
- Sending papers to another court department
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rules 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**Clerk's Certificate of Service**

I certify that I am not involved in this case and *(check one)*:

- I handed a copy of this notice to the party and attorney, if any, listed in **1** and **2**, at the court, on the date below.
- This notice was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in **1** and **2**, from *(city)*: \_\_\_\_\_, California, on the date below.  A certificate of mailing is attached.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**Order on Court Fee Waiver After Hearing (Superior Court)**

Clerk stamps date here when form is filed.

**DRAFT**

**03-25-2019**

**Not approved by the Judicial Council**

**1 Person who asked the court to waive court fees:**  
Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

**3 A request to waive court fees was filed (date):** \_\_\_\_\_

Fill in case number and name:

**4 There was a hearing on (date):** \_\_\_\_\_  
**at (time):** \_\_\_\_\_ **in (Department):** \_\_\_\_\_

**Case Number:**

The following people were at the hearing (check all that apply):

Person in **1**       Lawyer in **2**

Others (names): \_\_\_\_\_

**Case Name:**

Additional persons present listed on Attachment 4.

**Read this form carefully. All checked boxes  are court orders.**

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**5 After reviewing your:**     Request to Waive Court Fees     Request to Waive Additional Court Fees  
**the court makes the following order:**

a.  The court **grants** your request and waives your court fees and costs as follows:

(1)  **Fee Waiver.** The court **grants** your request and waives your court fees and costs listed below (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing and certifying the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Giving notice and certificates
- Sending papers to another court department
- Court fees for phone hearing





Case Name:

Case Number:

5 a. (2)  **Additional Fee Waiver.** The court **grants** your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

Jury fees and expenses

Fees for a peace officer to testify in court

Fees for court-appointed experts

Court-appointed interpreter fees for a witness

Other: (*specify*): \_\_\_\_\_

b.  The court **denies** your request and **will not waive or reduce** your fees and costs.

(1) The reason for this denial is as follows:

(a)  Your request is incomplete. You did not provide all of the information that the court requested. This missing items are specified:  Below  On Attachment 5b(1)(a)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b)  You did not go to court on the hearing date to provide the information the court needed to make a decision.

(c)  The information you provide shows that you are not eligible for the fee waiver you requested because (*check all that apply*):

i.  Your income is too high.

ii.  The reasons stated:  Below  On Attachment 5b(1)(c)(ii)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d)  There is not enough evidence to support a fee waiver.

(e)  Other reasons stated:  Below  On Attachment 5b(1)(e)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2)  You may pay some court fees and costs over time. You must make monthly payments of \$ \_\_\_\_\_ beginning (*date*): \_\_\_\_\_ and then payable on the 1st of each month after that, until the fees checked below are paid in full.

Filing fees

Other (*specify*): \_\_\_\_\_

You must pay all other court fees and costs as they are due.

<b>Case Name:</b>	<b>Case Number:</b>
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5 c.  The court **partially grants** your request so you can pay court fees without using money you need to pay for your household's basic needs. You are ordered to pay a portion of your fees, **as checked below**. The court only partially grants the request for the reasons stated:  Below  On Attachment 5c

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- (1)  You must pay \_\_\_\_\_ percent of your court fees.
- (2)  The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Filing papers at superior court<br><input type="checkbox"/> Sheriff's fee to give notice<br><input type="checkbox"/> Court-appointed interpreter<br><input type="checkbox"/> Jury fees and expenses<br><input type="checkbox"/> Court-appointed experts' fees<br><input type="checkbox"/> Making certified copies<br><input type="checkbox"/> Reporter's fee for attendance at trial or hearing by reporter provided by the court<br><input type="checkbox"/> Other fees ( <i>specify</i> ): _____ | <input type="checkbox"/> Giving notice and certificates<br><input type="checkbox"/> Sending papers to another court department<br><input type="checkbox"/> Court-appointed interpreter fees for a witness<br><input type="checkbox"/> Fees for a peace officer to testify in court<br><input type="checkbox"/> Court fees for telephone hearings |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(3)  Other orders as specified:  Below  On Attachment 5c(3)

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**Warning! If b or c above are checked:** You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: \_\_\_\_\_ ▶ \_\_\_\_\_  
*Signature of Judicial Officer*

**Clerk's Certificate of Service**

I certify that I am not involved in this case and (*check one*):

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): \_\_\_\_\_, California, on the date below.

A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
 Name: \_\_\_\_\_

*Clerk stamps date here when form is filed.*

**DRAFT**

**04-03-2019**

**Not approved by  
the Judicial Council**

**1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:**

Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**2 Lawyer, if person in 1 has one:**

Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**3 (Proposed) ward or conservatee:**

Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**4 Lawyer for (proposed) ward or conservatee, if any:**

Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**5 A request to waive court fees was filed on (date):** \_\_\_\_\_

**6 There was a hearing on (date):** \_\_\_\_\_  
at (time): \_\_\_\_\_ in (Department): \_\_\_\_\_

The following people were at the hearing (check all that apply):

- Person in 1       Lawyer in 2       Person in 3       Lawyer in 4  
 Others (names):       Additional persons present listed on Attachment 6.

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number and name:*

**Case Number:**

**Case Name:**

**Read this form carefully. All checked boxes  are court orders.**

**Notice:** The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.



Name of (Proposed) Ward or Conservatee:

Case Number:

7 After reviewing your (check one):  Request to Waive Court Fees  Request to Waive Additional Court Fees the court makes the following order:

a.  The court grants your request and waives the ward's or conservatee's court fees and costs as follows:

(1)  Fee Waiver. The court grants your request and waives the court fees and costs listed below (Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in superior court
• Making copies and certifying copies
• Sending papers to another court department
• Reporter's fee for attendance at hearing or trial, if you request that the court provide an official reporter
• Assessment for court investigations under Probate Code section 1513, 1826, or 1851
• Preparing and certifying the clerk's transcript on appeal
• Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
• Making a transcript or copy of an official electronic recording under rule 8.835
• Court fees for phone hearing
• Sheriff's fee to give notice
• Giving notice and certificates

(2)  Additional Fee Waiver. The court grants your request and waives the additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- Jury fees and expenses
 Fees for court-appointed experts
 Other: (specify):
 Fees for a peace officer to testify in court
 Court-appointed interpreter fees for a witness

b.  The court denies your request and will not waive or reduce the ward's or conservatee's fees and costs.

(1) The reason for this denial is as follows:

(a)  Your request is incomplete. You did not provide all of the information that the court requested. The missing items are specified:  Below  On Attachment 7b(1)(a)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

(b)  You did not go to court on the hearing date to provide the information the court needed to make a decision.

(c)  The information you provide shows ineligibility for the fee waiver you requested because (check all that apply):

- i.  The ward's or conservatee's income is too high.
ii.  The reasons stated:  Below  On Attachment 7b(1)(c)(ii)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

(d)  There is not enough evidence to support a fee waiver.

(e)  Other reasons stated:  Below  On Attachment 7b(1)(e)

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_



Name of (Proposed) Ward or Conservatee:

Case Number:

7 b. (2)  You may pay the initial filing fee over time. You must make monthly payments of at least \$ \_\_\_\_\_ beginning (date): \_\_\_\_\_ and then payable on the 1st of each month after that, until the fees checked below are paid in full.

Filing fees.

Other (describe): \_\_\_\_\_

You must pay all other court fees and costs as they are due.

c.  The court **partially grants** your request so you can pay, from the estate of the ward or conservatee or from funds from persons or entities with a duty to support the ward or conservatee, court fees without using money needed to pay for the ward's or conservatee's household's basic needs. You are ordered to pay a portion of the ward's or conservatee's fees, **as checked in items c(1) and (2) below.**

The court only partially grants the request for the reasons stated:  Below  On Attachment 7c

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(1)  You must pay \_\_\_\_\_ percent of the ward's or conservatee's court fees.

(2)  The court waives some fees. The fees checked below are waived. You must pay all other court fees.

Filing papers at superior court

Giving notice and certificates

Sheriff's fee to give notice

Sending papers to another court department

Court-appointed interpreter

Court-appointed interpreter fees for a witness

Jury fees and expenses

Fees for a peace officer to testify in court

Court-appointed experts' fees

Court fees for telephone hearings

Making certified copies

Reporter's fee for attendance at trial or hearing, if you request that the court provide an official reporter

Other fees (specify): \_\_\_\_\_

(3)  Other orders as specified:  Below  On Attachment 7c(3)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Warning! If item 7b or 7c above is checked:** You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item 7b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Judicial Officer*

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

I handed a copy of this order to the party and attorney(s), if any, listed in (1), (2), and (4), at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney(s), if any, at the addresses listed in (1), (2), and (4), from (city): \_\_\_\_\_, California, on the date below.

A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

*Clerk stamps date here when form is filed.*

**DRAFT**

**03-25-2019**

**Not approved by  
the Judicial Council**

① Name of person who asked the court to waive court fees:

Street or mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

② Lawyer, if person in ① has one: *(name, firm name, address, phone number, e-mail, and State Bar number):*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

③ The court made a previous fee waiver order in this case on *(date)*:

\_\_\_\_\_

④ The court sent you a notice to go to court about your fee waiver on *(date)*:

\_\_\_\_\_

⑤ There was a hearing on *(date)*: \_\_\_\_\_  
at *(time)*: \_\_\_\_\_ in *(Department)*: \_\_\_\_\_

The following people were at the hearing *(check all that apply)*:

Person in ①       Lawyer in ②

Others *(names)*: \_\_\_\_\_

Additional persons present listed on Attachment 5.

**Read this form carefully. All checked  boxes are court orders.**

⑥ After considering the information provided at the hearing, **the court makes the following orders:**

a.  **No Change to Fee Waiver.** The *Order on Court Fee Waiver* issued by this court on *(date)*: \_\_\_\_\_  
remains in effect. No change is made at this time.

b.  **Fee Waiver Is Ended as of:** *(date)*: \_\_\_\_\_. The court finds that beginning on that date you were no  
longer eligible for a fee waiver for the reasons stated:  Below       On Attachment 6b

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(1)  You must pay all court fees in this case from the date of this order.

(2)  You must also pay the court \$ \_\_\_\_\_ for fees that were initially waived after you were no longer eligible.

(a)  You must pay that amount within 10 days of this order.

(b)  You may pay that amount in monthly payments of \$ \_\_\_\_\_ beginning *(date)*: \_\_\_\_\_  
and payable on the 1st of each month after that until paid in full.

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

6 c.  **Fee Waiver Is Retroactively Withdrawn.** The court finds that you were never entitled to a fee waiver in this case for the reasons stated:  Below  On Attachment 6c

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (1) You must pay all court fees in this case from the date of this order.
- (2)  You must also pay the court \$ \_\_\_\_\_ for fees that the court initially waived.
  - (a)  You must pay that amount within 10 days of this order.
  - (b)  You may pay that amount in monthly payments of \$ \_\_\_\_\_ beginning (date): \_\_\_\_\_ and payable on the 1st of each month after that until paid in full.

d.  **Fee Waiver Is Modified.** The court finds that you obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation. The court places the following limitations on the fee waiver that was granted to you:

- (1)  You must pay all court fees in this case from the date of this order.
- (2)  From the date of this order, only the following court fees will be waived (*court to check all that apply*).

**You must pay for all court fees that are not checked below:**

- Filing papers at superior court  Making certified copies  Giving notice and certificates
- Sheriff's fee to give notice  Sending papers to another court department
- Court-appointed interpreter fees for a witness
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Jury fees and expenses  Fees for a peace officer to testify in court
- Court-appointed expert's fees  Court fees for telephone hearings
- Other fees (*specify*): \_\_\_\_\_

(3)  Other modifications as ordered:  Below  On Attachment 6d(3)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e.  **Other Orders as stated:**  Below  On Attachment 6e

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Judge or Judicial Officer

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**Clerk's Certificate of Service**

I certify that I am not involved in this case and (*check one*):

- I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_



**Order on Court Fee Waiver After  
Reconsideration Hearing  
(Superior Court) (Ward or Conservatee)**

Clerk stamps date here when form is filed.  
  
**DRAFT**  
  
**03-25-2019**  
  
**Not approved by  
the Judicial Council**

**1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:**  
Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**2 Lawyer, if person in 1 has one:**  
Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**3 (Proposed) ward or conservatee:**  
Name: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**4 Lawyer for (proposed) ward or conservatee, if any:**  
Name: \_\_\_\_\_ State Bar No: \_\_\_\_\_  
Firm or Affiliation: \_\_\_\_\_  
Street or mailing address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Telephone: \_\_\_\_\_

**5** The court made a previous fee waiver order in this case on (date): \_\_\_\_\_

**6** The court sent you a notice to go to court about the fee waiver on (date): \_\_\_\_\_

**Read this form carefully. All checked  boxes are court orders.**

**7** There was a hearing on (date): \_\_\_\_\_  
at (time): \_\_\_\_\_ in (Department): \_\_\_\_\_

The following people were at the hearing (check all that apply):

Person in 1       Lawyer in 2       Person in 3       Lawyer in 4

Others (names): \_\_\_\_\_

Additional persons present listed on Attachment 7.

**8** After considering the information provided at the hearing, **the court makes the following order:**

a.  **No Change to Fee Waiver.** The *Order on Court Fee Waiver* issued by this court on (date): \_\_\_\_\_ remains in effect. No change is made at this time.

b.  **Fee Waiver Is Ended as of (date):** \_\_\_\_\_. The court finds that beginning on that day the ward or conservatee was no longer eligible for a fee waiver for the reasons stated:  Below  On Attachment 8b

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Name of (Proposed) Ward or Conservatee:	Case Number:
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- 8 b. (1)  You must pay all court fees in this case from the ward's or conservatee's estate, from the date of this order.
- (2)  You must also pay the court \$ \_\_\_\_\_ from the estate of the ward or conservatee, for fees that were initially waived after the ward or conservatee was no longer eligible.
- (a)  You must pay that amount within 10 days of this order.
- (b)  You may pay that amount in monthly payments of \$ \_\_\_\_\_ beginning (date): \_\_\_\_\_ and payable on the first of each month after that until paid in full.
- c.  **Fee Waiver Is Retroactively Withdrawn.** The court finds that the ward or conservatee was never entitled to a fee waiver in this case for the reasons stated:  Below  On Attachment 8c
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- (1) You must pay all court fees in this case from the ward's or conservatee's estate, from the date of this order.
- (2)  You must also pay the court \$ \_\_\_\_\_ from the ward's or conservatee's estate, for fees that the court initially waived.
- (a)  You must pay that amount within 10 days of this order.
- (b)  You may pay that amount in monthly payments of \$ \_\_\_\_\_ beginning (date): \_\_\_\_\_ and payable on the 1st of each month after that until paid in full.

- d.  **Fee Waiver Is Modified.** The court finds that you obtained the initial fee waiver in bad faith, for an improper purpose, or to needlessly increase the costs of litigation. The court places the following limitations on the fee waiver that was granted to you:
- (1)  You must pay all court fees in this case from the ward's or conservatee's estate, from the date of this order.
- (2)  The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- Filing papers at superior court     Making certified copies     Giving notice and certificates
- Sheriff's fee to give notice     Sending papers to another court department
- Court-appointed interpreter fees for a witness
- Reporter's fee for attendance at hearing or trial, if you request that the court provide an official reporter
- Jury fees and expenses     Fees for a peace officer to testify in court
- Court-appointed expert's fees     Court fees for telephone hearings
- Other fees (specify): \_\_\_\_\_
- (3)  Other modifications as ordered:     Below     On Attachment 8d(3)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Name of (Proposed) Ward or Conservatee:	<b>Case Number:</b>
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⑧ e.  **Other Orders as stated:**  Below  On Attachment 8e

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Signature of Judge or Judicial Officer*

### Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*):

- I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**W19-06****Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Commission on Access to Justice by Hon. Mark Juhas, Chair San Francisco, CA	AM	<p>We join in the comment letter submitted by Legal Aid Association of California and the Family Violence Appellate Project, and wholly endorse their recommendations. We write separately, however to emphasize our belief that a rule embedding a default of providing court reporters to indigent self-represented litigants (without the need to request them) is required by Jameson, and is not merely a more expeditious way to implement the Jameson decision.</p> <p>The Supreme Court enjoined in Jameson that:</p> <p>“The procedure for allowing the poor to use court services without paying ordinary fees must be one that applies rules fairly to similarly situated persons, is accessible to those with limited knowledge of court processes, and does not delay access to court services.”</p> <p>(Jameson v. Desta (2018) 5 Cal.5th 594, 607, citing Bus. &amp; Prof. Code, § 68630, subd. (b).)</p> <p>The recommendations of the Civil and Small Claims Advisory Committee fall short because they presume self-represented litigants possess a legal understanding of the significance of a record of the oral proceedings in their cases, and can exercise an educated decision about whether to request a court reporter. These assumptions are incorrect.</p>	Please see committee responses to comments submitted by Legal Aid Association of California and the Family Violence Appellate Project.

**W19-06**

**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

All comments are verbatim unless indicated by an asterisk (\*).

			The Committee’s proposals would replace a financial barrier to appellate due process with an educational penalty that equally denies due process, and that denial is no less significant to the litigant. Inasmuch as the proposed rule changes are intended to implement the Jameson decision, which is wholly predicated upon ensuring equal access to justice, the changes do not adequately address their stated purpose, and should be amended in the manner suggested by LAAC and FVAP.	
2.	California Women's Law Center by Amy Poyer, Sr. Staff Attorney El Segundo, CA	AM	CWLC is in full agreement with, and echoes the statements contained in, the comments submitted today jointly by the Family Violence Appellate Project (FVAP) and the Legal Aid Association of California (LAAC).	The committee appreciates the comment.
3.	Department of Child Support Services State of California by Kristen Donadee Assistant Chief Counsel	NI	<p>The California Department of Child Support Services (Department) has reviewed the proposal identified above for potential impacts to the Child Support Program, the local child support agencies, and our case participants. Specific feedback related to the provisions of the rules and forms with potential impacts to the Department and its stakeholders follows:</p> <p>It appears that a technical oversight may have been made in the proposed rule. As Government Code section 69957(b) authorizes courts to use electronic recording to monitor personnel but prohibits the use of those recordings for any other purpose; the language use in the proposed rule and forms may inadvertently preclude indigent parties from a verbatim record as required by law.</p>	

**W19-06**

**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

All comments are verbatim unless indicated by an asterisk (\*).

		<p>The Department suggest the following alternate language (shown in bold typeface) in the proposed Rule and the accompanying forms:</p> <p>Rule 2.956 (c) (2)</p> <p>If the services of an official court reporter are not available for hearing or trial in a civil case, a party may:</p> <p>(2) In compliance with any local court rules, request that the court provide an official reporter for attendance at the proceeding, if the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, <b>provided that the electronic recording is not solely for court internal personnel reasons pursuant to Government Code section 69957(b).</b></p> <p>The Department believes this clarification is consistent with the intent of the proposed Rule change without inadvertently limiting the scope of the Rule.</p> <p>With respect to your “Request for Specific Comments”, the Department responds:</p> <p><b>Question 1: Does the proposal appropriately address the stated purpose?</b></p> <p>Response: The proposal addresses the stated purpose but may have inadvertently limited the</p>	<p>The committee discussed this and decided it was unnecessary to make this change, as nothing in the rule suggests that an electronic recording under Government Code section 69957(b) may be used to provide a verbatim record of the proceedings to an appellant granted a fee waiver.</p> <p>The committee appreciates the comment.</p>
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**W19-06**

**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

All comments are verbatim unless indicated by an asterisk (\*).

		<p>scope. Our recommendation addresses this limitation.</p> <p><b>Question 2: Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</b></p> <p>Response: Yes, the proposal as it exists allows for each court to have its own rules related to court reporters which will likely lead to inconsistency in application to the litigants we serve. A uniform statewide procedure would address this inconsistency and require courts to conform to a unified system. In doing so, the litigants served will have a consistency when moving between counties and education to family law facilitators and IV-D program partners will be much easier if the procedure was uniform.</p> <p>adds an ambiguity</p> <p><b>Question 3: Should Rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?</b></p> <p>Response: No. The Jameson court was concerned that litigants have access to appellate review; the current Rule 3.55 and Rule 8.835 address the cost of preparing a transcript or submitting the electronic recording to the Appellate Court.</p>	<p>The committee will consider this at a future meeting.</p> <p>The committee appreciates the comment.</p>
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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			Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed rules and form changes.	
4.	Family Violence Appellate Project (FVAP) by Erin C. Smith, Executive Director  and  Legal Aid Association of California (LAAC) Salena Copeland, Executive Director	NI	Verbatim Records Are Critical to the Court System's Ability to Provide Access to Justice for Low-Income Litigants.  As FV AP explained in both our amicus brief in Jameson, filed in June 2016, and in our comments and testimony before the Commission on the Future of California's Court System in February 2016, the creation of a verbatim record is essential for proceedings involving survivors of family violence. First, verbatim records are needed to craft accurate post-hearing restraining orders, or child custody and visitation orders, that law enforcement officers can enforce. Second, verbatim records are needed because custody and visitation cases are frequently litigated and revisited over many years. The court needs a clear record of past proceedings to determine whether changed circumstances require altering custody or visitation schedules. Moreover, judges often serve only one or two years in a family court assignment, so later judges assigned to a case need a clear record of what has previously happened in a case to manage the case effectively.	



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		<p>Finally, a verbatim record is especially critical on appeal. As the Jameson court pointed out, under current law, the appeal will in many cases be dismissed or denied without a reporter's transcript; the need to access to a verbatim record reflects "the realistic, crucial importance that the presence of a court reporter currently plays in the actual protection of a civil litigant's legal rights and in providing such a litigant equal access to appellate justice in California." (Jameson, supra, 5 Cal.5th at p. 608.)</p> <p>For these reasons, we applaud the Civil and Small Claims Advisory Committee's proactive approach in drafting proposed changes to Rules of Court, Rules 2.956 and 3.55 and revising associated forms to implement Jameson. At the same time, we believe this Council should go further than the proposed rules as currently drafted to ensure that all low-income litigants in California actually receive the benefit of the Jameson decision, which justice demands.</p> <p>I. Does the proposal appropriately address the stated purpose?</p> <p>To some degree, the proposed Rule changes address the stated purpose. However, we believe that just and effective implementation of Jameson requires providing access to free court reporters with as few barriers as possible. As the Supreme Court stated, quoting from Government Code section 68630, subdivision</p>	
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		<p>(b), "[t]he procedure for allowing the poor to use court services without paying ordinary fees must be one that ... is accessible to those with limited knowledge of court processes, and does not delay access to court services." (Jameson, supra, 5 Cal.5th at p. 607 .) Therefore, to fully implement the Jameson decision, we suggest the following changes to strengthen the proposal.</p> <p>1. Rule 2.956</p> <p>The easiest way to ensure full implementation of the Jameson decision is to simply provide court reporters for fee-waiver recipients when electronic recording is not provided. No additional barriers should be created for low-income litigants to access their right to a free court reporter.</p> <p>We therefore suggest amending the proposed subsection (c)(2) to read:</p> <p>(2) If the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, the court shall provide an official reporter for attendance at the proceeding.</p> <p>Low-income litigants with fee waivers almost by definition cannot afford to hire attorneys to represent them before California's courts. Navigating unfamiliar court systems and trying to understand rules and procedures on one's own is an immense challenge for people with no</p>	<p>The committee discussed this and declined to make this change because <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 requires courts to provide a means to create an official verbatim record only on the request of a fee waiver recipient and case management systems currently do not identify fee waiver recipients for calendaring purposes (and for purposes of filing fees they only identify the plaintiff or moving party). A fee waiver recipient may request an official reporter.</p>
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>legal expertise. Self-help centers in many counties are overwhelmed with the volume of people who need help navigating court systems, and cannot help everyone. And many self-represented litigants have limited English proficiency, are survivors of abuse, and/or experience other factors that make it difficult for them to navigate the court system. Imposing any additional burdens on these individuals to have to affirmatively request a court reporter-and at the right time, and on the right form--only serves to make it less likely that they will be able to exercise their rights to equal access to the courts as described by the Supreme Court in Jameson. It would shift the burden of knowing of their legal rights from the courts, which are already well aware of Jameson, to low-income people who are extremely unlikely to know of the change in law, especially after many years of the majority of California counties not providing any verbatim records of trial court proceedings. In addition to this unjust burden-shifting, adding another procedural hurdle to the maze of rules and procedures that low-income litigants must attempt to follow will result in many individuals failing to be able to exercise their right at all. This would result in</p> <p>California's court system failing to achieve "meaningful access to the civil judicial process that the relevant California in forma pauperis precedents and legislative policy" establish, as</p>	
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		<p>described in <i>Jameson</i>. (<i>Jameson</i>, supra, 5 Cal.5th at p. 598.) But this result is not inevitable. California can fully realize the Supreme Court's vision by providing verbatim records to all people with fee waivers.</p> <p>2. Rule 3.55</p> <p>Rather than changing the language of the advisory committee comment to Rule 3.55, the comment should be removed entirely. As indicated by the fact that the Supreme Court needed five full pages to discuss the meaning and effect of this comment, the comment is confusing.</p> <p>(<i>Jameson</i>, supra, 5 Cal.5th at pp. 614-619.) The proposed changes remain confusing and do nothing to clarify the rule itself, which is clear on its own.</p> <p>We also suggest adding a new subsection (7) "for a digital copy of an electronic recording, if one is made by the court." As explained more fully in response to the Request for Comment III, below, compliance with the spirit of <i>Jameson</i> and the body of law in California regarding access to justice is best met by providing free access to any electronic verbatim record for low-income litigants.</p> <p>3. Fee Waiver Forms</p>	<p>The committee considered this and similar comments and decided to amend the advisory committee comment to include criteria in <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 and to cite that case.</p> <p>The committee determined that rule 3.55(11) (to be renumbered (10)) already includes a waiver of fees for a copy of an electronic recording and there is no need to add this item.</p>
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>As explained above, the simplest and most effective way to implement Jameson in full is to automatically provide court reporters or a verbatim electronic recording to all litigants with fee waivers. In other words, court reporter costs are included in the "Superior Court" fees or costs that parties request be waived when they complete the current fee waiver request forms (for example, item 4 on FW-001). In line with this suggestion to provide low-barrier access to justice, the phrase "and you request that the court provide an official reporter" should be deleted from the proposed changes to forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, FW-012-GC .</p> <p>If the Council insists on a second affirmative act by litigants before a court reporter is provided, we suggest updating forms FW-001 and FW-001 S, by adding two new sub-check boxes in subsection 4 "What court's fees or costs are you asking to be waived," nestled underneath each of the boxes for "Superior Court" fees and costs and "Supreme Court, Court of Appeal, or Appellate Division of Superior Court" fees and costs. In both cases, the text accompanying each sub-check box should say, "including court reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding; or court fees for copies of electronic recordings in cases in which an electronic</p>	<p>The committee declined to make this change but revised the forms consistent with <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594.</p> <p>It is unnecessary for a fee waiver recipient to request waiver of these fees. An item is added to the forms for waiver of "reporter's fee for</p>
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>recording is the official record of the proceeding." The same suggested change to forms FW-001-GC; FW-OOIGCS, would be added under 6. Requiring anything additional than a second, simple check-box on the fee waiver forms constitutes an unnecessary barrier to the right to a free court reporter.</p> <p>The word "Information" is incorrectly spelled in the footer of page 2 of proposed form FW-001-INFO.</p> <p>II. Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</p> <p>Yes, a statewide procedure would be the simplest and easiest way to ensure low-income litigants have access to the right to a free court reporter. As described above, we suggest Jameson implementation be achieved by providing a court reporter or verbatim electronic record to all fee waiver recipients and by updating the fee waiver request forms (FW-001, FW-OOIS, FW-001-GC; FW-001GCS) to advise litigants they will receive the free court reporter to which they are entitled.</p> <p>III. Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic</p>	<p>attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter.” Rule 3.55(11) provides for a waiver of fees for a copy of an electronic recording.</p> <p>The committee has made this correction.</p> <p>The committee will consider this at a future meeting.</p>
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		<p>recording is the official record of the proceeding?</p> <p>Yes. The de minimis cost of copying or emailing an electronic recording should be waived for low-income litigants. For the same reasons a free court reporter is essential for access to justice, access to any electronic recording is also necessary. While court reporters cannot create a transcript for a de minimis fee, and so payment for a transcript cannot be waived, a copy of the electronic recording is a readily available and less expensive alternative. It makes no sense to charge low-income litigants a fee for a copy of an electronic recording.<sup>1</sup></p> <p>In conclusion, creating as few barriers as possible to low-income litigants' right to verbatim records fulfills the spirit of the Jameson decision and the long line of access-to-justice cases upon which it rests. Full implementation of Jameson is paramount to ensuring all low-income Californians have access to justice, and in particular that survivors of domestic violence and their children can obtain safe, enforceable, and appealable family court orders.</p> <p><sup>1</sup> It also does not make sense to create a separate funding mechanism for electronic verbatim record copies, and the Court Reporter's Board should not be asked to fund or administer a</p>	<p>Following circulation for comment, the committee determined that rule 3.55(11) (to be renumbered (10)) already includes a waiver of fees for the transcript or copy of an electronic recording and there is no need to add this item.</p>
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			process for purchasing electronic verbatim recordings, as they do for reporter's transcripts pursuant to Business and Professions Code section 8030.2 et. seq.	
5.	Keri Griffith Sr. Manager, Operations Services Superior Court of Ventura County	AM	The language regarding reporter's fees on FW-008-GC needs to be updated on page 3, number 7(c)(2) to be consistent with other forms. This still reads as follows: "Reporter's fees for attendance at trial or hearing if reporter provided by the court."	This change has been made.
6.	Legal Services of Northern California by Stephen E. Goldberg Regional Counsel Sacramento, CA	NI	I write on behalf of Legal Services of Northern California (LSNC) regarding Invitation to Comment W1 9-06 about providing court reporters in small claims proceedings. LSNC is a federally funded legal services program that serves very low income clients in 23 northern California counties, and advises clients in several types of civil litigation. In particular, LSNC represents low income tenants in Unlawful Detainer actions. LSNC has had difficulty obtaining court reporters from courts for clients with fee waivers for several years. LSNC is very concerned about the proposed California Rule of Court 2.956( c ). In Jameson v. Desta (2018) 5 Cal.5th 594, the California Supreme Court held that courts must make court reporters available to litigants in civil cases with fee waivers when parties who can afford to pay for private court reporters are allowed to bring them. (Jameson, id., 5 Cal. 5111 at pp. 748-9, 758-9, 622; accord Dogan v. Comanche Hills	



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		<p>Apartments Inc. (2019) _ Cal.App.5th_, 2019 WL 2755564 at *2 [ following Jameson and holding that Jameson applies retroactively to pending appeals].)</p> <p>Proposed California Rules of Court 2.956(c) and 3.55 on face seem to correctly implement Jameson. However, the proposed advisory committee comment impermissibly narrow the scope of cases where courts are required to provide court reporters to litigants with fee waivers in violation of Jameson. Page 4 of Judicial Council Invitation to Comment W19-06 states that the advisory committee recommends adding language that Rule 3.55 is "not intended to expand the use of court reporters in case types and proceedings in which an official court reporter is not currently required to make the official record of the proceedings." (Invitation to Comment W19-06 Waivers of Court Fees for Court Reporters and Interpreters at p. 4.) The Invitation to Comment explains "The proposed additional language would specify that the amendment does not require courts to provide official court reporters in case types in which they are not currently required for purposes of making the official record of the proceedings." This sentence is followed by footnote 1 which states: "In non-criminal cases, courts are required to provide official reporters in only juvenile and involuntary civil commitment proceedings. In other case types, including unlimited civil, most family law, and probate matters, most courts are not required to provide</p>	
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		<p>an official court reporter, but a party may arrange and pay for reporter." (Id. at p.4 fn. 1.)</p> <p>Taken together, the advisory committee comment, the explanation in the Invitation to Comment, and footnote 1 to Invitation to Comment WI 9-06 mean the Judicial Council is taking the position that, for non-criminal cases, court reporters are required only in juvenile and involuntary civil commitment proceedings, and therefore a fee waiver will only require a court to provide court reporters in juvenile and involuntary civil commitment cases. The authority cited for this position is a reporter to the Judicial Council. The footnote and the report it cites are incorrect because Civil Code Section 269(a) requires the court to provide a court reporter on request of a party in any civil case. (Jameson, supra, 5 Cal.5th at p. 610.) The footnote violates the Jameson holding because the Supreme Court said if there is an option for a party to provide their own court reporter and pay for it, then the court must provide a court reporter to indigent litigants who qualify for a fee waiver, and that holding applies to all civil cases, not just juvenile and involuntary commitment cases.</p> <p>Jameson recognizes that access to court reporters is critical to access to justice because the absence of a verbatim record will "frequently be fatal" to an appeal. (Ibid. at pp. 608-09.) The Judicial Council proposed rule limiting the obligation of courts to provide court</p>	
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		<p>reporters to litigants with fee waivers to juvenile and involuntary civil commitment proceedings severely limits access to justice for indigent litigants in all other civil cases and is inconsistent with Jameson. This problem can be resolved by 1) either deleting the advisory committee comment or rewriting it to state that Code of Civil Procedure Section 269(a) requires that court reporters be available in all civil cases, and 2) deleting footnote 1 from the Invitation to Comment or rewriting it to state that Code of Civil Procedure Section 269(a) requires that court reporters be available in all civil cases.</p> <p>Invitation to Comment W1 9-06 requests comment on whether it would be helpful to have a statewide form to request a court reporter. LSNC joins in the comments of the Family Violence Appellate Project and Western Center on Law and Poverty that there should be a standing order that court reporters be provided for all litigants with fee waivers. As a second-best alternative, LSNC supports a statewide court reporter request form because it would ensure a uniform and accessible procedure to request a court reporter. Currently, procedures to request a court reporter can be difficult to access because they are in local rules that are not easily accessible to unrepresented litigants and courts do not have standardized forms. A statewide form would help to ensure that litigants can exercise their right to request a court reporter.</p>	<p>The committee considered the comment and decided to amend the advisory committee comment to include criteria in <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 and to cite that case.</p> <p>The committee will consider this at a future meeting.</p>
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			<p>Invitation to Comment W19-06 also requests comment on whether California Rule of Court 3.55 should be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding. LSNC supports amending California Rule of Court 3.55 to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding. Access to the electronic recording can help parties evaluate whether they should proceed with an appeal. However, in addition, litigants who are provided with a free copy of the electronic recording need to be notified that the recording cannot be submitted to the Court of Appeal in lieu of a transcript unless there is a stipulation of the parties approved by the reviewing court as required by California Rule of Court 2.952(j)(1).<sup>1</sup> Providing an electronic recording for free could easily mislead litigants to believe that they can submit the recording to the reviewing court without limitation and litigants will need to be informed otherwise.</p> <p><sup>1</sup> LSNC would support amending California Rule of Court 2.952(j)(1) to allow litigants to submit the electronic recording in lieu of a paper transcript in all cases.</p>	<p>Rule 3.55(11) (to be renumbered (10)), which was not part of the proposal that circulated for comment, already includes among the items that must be waived on granting an initial fee waiver “The clerk’s fee for preparing a transcript of an official electronic recording under rule 8.835 or a copy of such an electronic recording.”</p> <p>This is outside the scope of the proposal.</p>
7.	Orange County Bar Association by Deirdre Kelly, President Newport Beach, CA	AM	The OCBA answers the Requests for Specific Comments on this proposal as follows: (1) if modified the proposal would appropriately	

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		<p>address the stated purposes; (2) it would be helpful to have uniform statewide procedures for a party to request both a court reporter and/or an interpreter in the qualified instances where a party is not required to so provide either; and (3) Rule 3.55 should be amended to include all fees for electronic recordings in all applicable cases where such recording is the official recording. The OCBA has already published at 61 Orange County Lawyer 31 (January 2019) “Feature: 2018 In Review: Notable Civil Cases from the California Supreme Court” by Sungaila and Pulido, and at 60 Orange County Lawyer 26 (October 2018): “Feature: Is Civil Justice Really Free? The California Supreme Court Takes Us One Step Closer” by Judge Kimberly A. Knill, both discussing the effects, questions and limitations of <i>Jameson v Desta</i> (2018) 5 Cal. 5th 594 as cited in this proposal and which may be referenced further.</p> <p>The OCBA recommends the following modifications and changes to the proposal W19-06:</p> <p>(1) The <i>Jameson</i> case was announced July 5, 2018 and has already been determined to be retroactive in <i>Degan vs Comanche Hills Apartments Inc.</i>, 2019 Cal. App. Lexis 57 (January 22, 2019 Fourth Appellate District, Division One). This proposal W19-06 should</p>	<p>The committee will consider this at a future meeting.</p>
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		<p>not be delayed until January 1, 2020 because such delay will cause numerous cases to be reversed and unnecessary costs to the courts, the litigants, and all other affected persons. Some form of emergency passage is highly recommended.</p> <p>(2) Amend Rule 2.956 “Court Reporting Services in Civil Cases” at subsection (a) to read:</p> <p>“This rule is adopted solely to effectuate the mandates of Government Code Sections 68630-68641; 68086; 69952 et.al, Code of Civil Procedure sections 269, 271, 273, 274 et.al. and Jameson vs Desta (2018) 5 Cal 5th 594.”</p> <p>(3) Amend Rule 2.956 at Subsection (c)(2) to read: “In compliance with any conforming legal court rules, request that the court provide an official court reporter for attendance at the proceedings if the party has been granted a fee waiver and if the court is not electronically recording the proceedings; said fee-waived party shall be entitled to an official court reporter pursuant to the fee waiver order.”</p> <p>(4) Amend Rule 3.55 “Court fees and costs included in all initial fee waivers” to keep section (5) as modified to read “(5) Court-appointed interpreter fees for parties”, and keep section (7) as proposed to delete “if the reporter is provided by the court.”</p>	<p>Courts may comply with <i>Jameson v. Desta</i> before the effective date of the rule amendments and forms revisions, which are September 1, 2019.</p> <p>The committee declined to make this change, believing it unnecessary.</p>
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			<p>(5) Amend the Advisory Committee Comment at the last sentence to read: “Rather, it is intended to include within a fee waiver all fees mandated under the Government Code, Code of Civil Procedure, Evidence Code, and applicable case law for the cost of court reporters services, electronic recordings, and interpreters.”</p> <p>(6) Recommend that the Information Sheet on Waiver of Superior Court Fees and Costs (FW-001-INFO) and all following forms be amended to reference and include “Court-appointed interpreter fees for the party and all witnesses” since as proposed the forms only waive interpreter fees for “witnesses” alone and since Forms FW-005, FW-005-GC, FW-012, and FW-012-GC do not even mention fee waivers for interpreter services.</p> <p>(7) Recommend that Form FW-008-GC be amended at Page 3 Subsection C.(2) to read “Reporter’s fee for attendance at trial, hearing, or other proceeding” since the fee waiver is applicable whether or not the reporter is “provided by the Court”. See Jameson vs Desta, supra.</p>	<p>Based on several other comments, the committee amended the advisory committee comment to include criteria in <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 and to cite that case.</p> <p>This is outside the scope of the proposal.</p> <p>The committee appreciates the comment. This was an oversight that has been corrected.</p>
8.	Public Counsel by Nisha Vyas, Directing Attorney	NI	Low-income tenants face difficult odds when an unlawful detainer is filed. They have only 5 days to file an answer, or face default. There are not enough legal services resources available to	

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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>ensure that all who wish to be represented can obtain an attorney. For that reason, more tenants are unrepresented than are represented in unlawful detainers, and the rate of defaults and writs for possession indicate that without a lawyer, the odds are not in their favor. This is not indicative of whether the tenant has meritorious defenses; the issue is their ability to navigate the judicial system. The challenge before us is to actualize access to due process and justice.</p> <p>An important step in actualizing access to justice is access to a court reporter. In <i>Jameson</i>, the California Supreme Court recognized “the realistic, crucial importance that the presence of a court reporter currently plays in the actual protection of a civil litigant’s legal rights and in providing such a litigant equal access to appellate justice in California.” <i>Jameson v. Desta</i>, 5 Cal.5th 594, 608 (2018). Given the critical importance of these rights, we appreciate the Civil and Small Claims Advisory Committee’s proposing changes to California Rules of Court, Rules 2.956 and 3.55, and revising associated forms to implement the <i>Jameson</i> decision. At the same time, we urge the Judicial Council to go further to ensure that all low-income litigants actually receive the benefit of the <i>Jameson</i> decision. The new court rules</p>	
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>should reflect the principle “that California courts, pursuant to the principles of the in forma pauperis doctrine, have the inherent discretion to facilitate an indigent civil litigant’s equal access to the judicial process. . . .” Jameson v. Desta, 5 Cal.5th at 605.</p> <p>Detailed responses to the Judicial Council’s questions are set out below, and in substantial part mirror those in the concurrently submitted comments of our colleagues at Western Center on Law and Poverty and several legal services organizations and attorneys.</p> <p>I. Courts should provide a court reporter or other mechanism for verbatim recording of court proceedings to all litigants with fee waivers</p> <p>While the proposed Rule changes address the stated purpose, we suggest the following changes will strengthen the proposal and more fully implement Jameson by providing access to free court reporters with as few barriers as possible. As the high court stated, “[t]he procedure for allowing the poor to use court services without paying ordinary fees must be one that applies rules fairly to similarly situated persons, is accessible to those with limited knowledge of court processes, and does not delay access to court services.” Id. at 607, citing Gov’t Code §68639(b).</p>	
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**W19-06**

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All comments are verbatim unless indicated by an asterisk (\*).

		<p>In order to ensure the most access for indigent persons, we propose that courts provide court reporters, or other mechanism for verbatim recording of proceedings, to all litigants with fee waivers, without requiring a specific request from the litigant. Like the plaintiff in Jameson, many of our clients represent themselves in court and may not understand the importance of requesting a court reporter or preserving the record in their cases. In unlawful detainer cases, tenants have only 5 days from service of summons to file an answer or other responsive pleading, which makes it very difficult to retain counsel. In addition, many tenants cannot afford to pay an attorney, and must seek assistance from legal services agencies, which have capacity to serve only a small fraction of tenants needing representation. As a result, many tenants defend themselves in unlawful detainer proceedings in pro per. Unrepresented tenants are unlikely to recognize the importance of a court reporter in preserving a meaningful right to appeal or pursue other post-judgment remedies. Should an unrepresented tenant seek assistance from a legal services provider after trial and after a judgment was entered in favor of a landlord, the absence of a verbatim record makes it difficult for counsel to assess the merits of the case or assist the client with a potential appeal or post-judgment motion to preserve their housing.</p>	
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		<p>Providing court reporters or other methods of preserving a verbatim record of proceedings automatically to all litigants with fee waivers routinely and without is a critical step towards protecting the rights of these vulnerable populations. Detailed suggestions for how to implement this suggestion in the Rules of Court are provided below.</p> <p>1. Rule 2.956 As explained further below, the easiest way to fully implement Jameson is to provide court reporters to all litigants with fee waivers, as those litigants are more likely to be people with disabilities, people with Limited English Proficiency, or members of other groups who may experience barriers to completing court forms.<sup>1</sup> We therefore suggest amending the proposed subsection (c)(2) to read:</p> <p>[2]If the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, the court shall provide an official reporter for attendance at the proceeding.</p>	<p>The committee discussed this and declined to make this change because <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 requires courts to provide a means to create an official verbatim record only on the request of a fee waiver recipient and case management systems currently do not identify fee waiver recipients for calendaring purposes (and for purposes of filing fees they only identify the plaintiff or moving party). A fee waiver recipient may request an official reporter.</p>
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**W19-06**

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		<p>Alternatively, if the Council finds that provision of court reporters to all indigent litigants is not possible, the rule should permit fee waiver applicants to request the waiver of court reporter or electronic record fees in the fee waiver form itself. No additional barriers should be created for low-income litigants to access their right to a free court reporter.</p> <p>2. Rule 3.55 Rather than changing the language of the advisory committee comment to Rule 3.55, the Council should remove the comment entirely. As indicated by the fact that the Supreme Court needed five full pages to discuss the meaning and effect of this comment, it is confusing. <i>Jameson</i>, 5 Cal.5th at 614-19. The proposed version of the comment remains confusing and does nothing to clarify the rule itself, which is clear on its own.</p> <p>We also suggest adding a subsection (7) to the rule providing that waiver of initial fees includes “Fees for a digital copy of an electronic recording,” which could be inserted under the proposed subsection (6). As explained more fully in response to the Request for Comment III, below, providing indigent litigants with free access to any electronic record complies with the</p>	<p>The committee considered this and concluded that it is unnecessary for a fee waiver recipient to request waiver of these fees. An item has been added to the forms for waiver of “reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter.”</p> <p>The committee considered this comment and similar comments and decided to amend the advisory committee comment to include criteria in <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 and to cite that case.</p> <p>The committee notes that rule 3.55 already includes a waiver of fee for the transcript or copy of an electronic recording and thus there is no need to amend the rule to add this item.</p>
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		<p>spirit of Jameson and the body of law in California regarding access to justice.</p> <p>3. Fee Waiver Forms</p> <p>As detailed above, the most effective way to promote access to courts for all litigants would be to provide court reporters or an electronic verbatim record to all litigants with fee waivers. In the event that the Council does not take this approach, the next best approach is to update the initial fee waiver request so litigants can indicate they are requesting a free court reporter along with a waiver of other fees. We recommend modifying the language of the form such that the default option is for the litigant to obtain a court reporter. Requiring anything additional constitutes an unnecessary barrier to the right to a free court reporter.</p> <p>In line with this suggestion to provide low-barrier access to justice, the phrase “and you request that the court provide an official reporter” can be deleted from the proposed changes to forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, FW-012-GC.</p> <p><sup>1</sup> See Kelly Jarvis, Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects (July 2017) p. 31. At: <a href="https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf">https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf</a></p>	
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		<p>II. Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</p> <p>As detailed above, litigants who have been granted fee waivers should be provided with a mechanism for a verbatim record of proceedings without additional request. In the event that the Council does not take this approach, a statewide procedure would be the simplest and to way to ensure low-income litigants access to the right to a free court reporter. If local courts implement their own forms, there is greater likelihood of inconsistency and such forms may create additional barriers for indigent litigants.</p> <p>III. Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?</p> <p>Yes. The administrative cost of copying an electronic recording should be waived for ow-income litigants. For the same reasons a free court reporter is essential for access to justice, access to any electronic recording is also necessary. But while the cost of creating a</p>	<p>The committee will consider this at a future meeting.</p> <p>The committee notes that rule 3.55 already includes a waiver of fees for a copy of an electronic recording and thus there is no need to amend the rule to add this item.</p>
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			<p>transcript for a court reporter is significant, the cost of providing an electronic recording is minimal, and should be waived for litigants with fee waivers.</p> <p>Creating as few barriers as possible to an electronic verbatim record fulfills the spirit of the Jameson decision and the long line of access to justice cases upon which it rests.</p> <p>Full implementation of Jameson is paramount to ensuring all low-income Californians have access to justice, and we encourage the Council to move forward with the rule change as expeditiously as possible. Provision of court reporters is essential to ensuring that unlawful detainer defendants seeking to avoid displacement from their homes have a full and fair right to litigate their cases.</p>	
9.	<p>Public Law Center by Ugochi Anaebere-Nicholson Directing Attorney Housing &amp; Homelessness Prevention Unit Santa Ana, CA</p>	NI	<p>The Public Law Center submits this letter in response to the Judicial Council’s invitation to comment on proposed rules implementing the Jameson v. Desta, 5 Cal. 5th 594, 608 (2018) (“Jameson”) decision. We echo the concerns outlined in comment letters previously submitted by our statewide support center advocates and fellow legal aid colleagues, Western Center on Law and Poverty, Legal Aid Association of California, and the Family Violence Appellate Project, but we write separately to address issues specific to unlawful detainer litigation.</p>	

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		<p>Located in Santa Ana, California, the Public Law Center, is a non-profit pro bono law firm that provides access to justice for low-income and vulnerable residents who reside in Orange County. Through our Housing and Homelessness Prevention Unit, we represent low-income families in housing-related matters and advocate for sensible strategies to end homelessness in Orange County. We also collaborate with community organizations, statewide advocates, and law firms to push Orange County jurisdictions to create and maintain effective housing policies for lower-income working families. We also regularly appear on behalf of tenants faced with housing displacement in unlawful detainers that are venued in the Orange County Superior Court system. Based on our long-standing experience with representing tenants in unlawful detainer cases, and handling of cases before the Appellate Division of the Orange County Superior Court and the California Court of Appeal, Fourth Appellate District, Division 3, we can attest to the importance of having an accurate trial transcript for purposes of evaluating the merits of a case for appellate-level review.</p> <p>Additionally, a large percentage of our clientele are persons who are monolingual in a language</p>	
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		<p>other than English, such as Spanish and Vietnamese. For these clients where we are not counsel of record, it is impossible to understand what occurred in their unlawful detainer trials without adequate interpretation, and more importantly, a verbatim court transcript. Furthermore, due to limited resources, we have capacity to serve only a small fraction of tenants needing representation. Consequently, many tenants appearing in unlawful detainer court on any given day in the Orange County Superior Court system, are doing so without counsel. Unrepresented tenants are unlikely to recognize the importance of a court reporter in preserving a meaningful right to appeal or pursue other post-judgment remedies.</p> <p>Accordingly, it is vitally important that tenants be afforded their full rights within unlawful detainer proceedings and have the opportunity to have their court fees for court reporters waived, as tenants who lose unlawful detainer cases, and who are unable to have the decisions from their eviction cases judicially reviewed because of an inadequate trial transcript or worse—no transcript at all, often become homeless, or are forced to relocate to remote areas where they are cut off from their communities, jobs, and schools.</p>	
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		<p>The Jameson decision contemplated the need to protect the rights of tenants in trial and appellate level proceedings. In Jameson, the California Supreme Court recognized “the realistic, crucial importance that the presence of a court reporter currently plays in the actual protection of a civil litigant’s legal rights and in providing such a litigant equal access to appellate justice in California.” (Jameson, supra, 5 Cal. 5th at p. 608.)</p> <p>Given the critical importance of these rights, we appreciate the Civil and Small Claims Advisory Committee’s proposing changes to California Rules of Court, Rules 2.956 and 3.55, and revising associated forms to implement the Jameson decision. At the same time, we believe that the Judicial Council should go further to ensure that all low-income litigants actually receive the benefit of the Jameson decision. The new court rules should reflect the principle “that California courts, pursuant to the principles of the in forma pauperis doctrine, have the inherent discretion to facilitate an indigent civil litigant’s equal access to the judicial process. . . .” (Jameson, supra, 5 Cal. 5th at p. 605.) Our detailed responses to the Judicial Council’s questions are set out below.</p>	
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>I. Courts should provide a court reporter, or other mechanism for verbatim recording of court proceedings, to all litigants with fee waivers</p> <p>While the proposed Rule changes address the stated purpose, we suggest the following changes will strengthen the proposal and more fully implement Jameson by providing access to free court reporters with as few barriers as possible. As the high court stated, “[t]he procedure for allowing the poor to use court services without paying ordinary fees must be one that applies rules fairly to similarly situated persons, is accessible to those with limited knowledge of court processes, and does not delay access to court services.” (Id. at 607, citing Gov’t Code §68639(b).)</p> <p>To ensure the most access for indigent persons, we propose that courts provide court reporters, or other mechanism for verbatim recording of proceedings, to all litigants with fee waivers, without requiring a specific request from the litigant. Like the plaintiff in Jameson, many of our clients represent themselves in court and may not understand the importance of a court reporter to fully litigating their case. In unlawful detainer cases, tenants have only 5 days from service of summons to file an answer or other responsive pleading, which makes it very</p>	<p>See committee response below.</p>
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		<p>difficult to retain counsel. The tenants who seek our services are financially unable to hire an attorney to represent them in any case, much less an unlawful detainer case. As a result, many tenants defend themselves in unlawful detainer proceedings in pro per, and are unable to understand the importance of a court reporter in preserving a meaningful right to appeal or pursue other post-judgment remedies.</p> <p>We often receive requests for services from clients who have already gone to trial without counsel and who only retain an attorney after judgment has been entered against them. The absence of a verbatim record makes it difficult for us to assess the merits of the case or assist the client with a potential appeal or post-judgment motion to preserve their housing. Providing court reporters or other methods of preserving a verbatim record of proceedings to all litigants with fee waivers is a critical step towards protecting the rights of these vulnerable populations. Detailed suggestions for how to implement this suggestion in the Rules of Court are provided below.</p> <p>1. Rule 2.956</p> <p>As explained further below, the easiest way to fully implement Jameson is to provide court reporters to all litigants with fee waivers, as</p>	
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		<p>those litigants are more likely to be people with disabilities, people with Limited English Proficiency, or members of other groups who may experience barriers to completing court forms.<sup>1</sup> We therefore suggest amending the proposed subsection (c)(2) to read:</p> <p>[2]If the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, the court shall provide an official reporter for attendance at the proceeding.</p> <p>Alternatively, if the Council finds that provision of court reporters to all indigent litigants is not possible, the rule should permit fee waiver applicants to request the waiver of court reporter or electronic record fees in the fee waiver form itself. No additional barriers should be created for low-income litigants to access their right to a free court reporter.</p> <p>2. Rule 3.55</p> <p>Rather than changing the language of the advisory committee comment to Rule 3.55, the Council should remove the comment entirely. As indicated by the fact that the Supreme Court</p>	<p>The committee discussed this and declined to make this change because <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 requires courts to provide a means to create an official verbatim record only on the request of a fee waiver recipient and case management systems currently do not identify fee waiver recipients for calendaring purposes (and for purposes of filing fees they only identify the plaintiff or moving party). A fee waiver recipient may request an official reporter.</p> <p>It is unnecessary for a fee waiver recipient to request waiver of these fees. An item is added to the forms, which are court orders, for waiver of “reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter.”</p>
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		<p>needed five full pages to discuss the meaning and effect of this comment, it is confusing. (Jameson, 5 Cal. 5th at pp. 614-19.) The proposed version of the comment remains confusing and does nothing to clarify the rule itself, which is clear on its own.</p> <p>We also suggest adding a subsection (7) to the rule providing that waiver of initial fees includes “Fees for a digital copy of an electronic recording,” which could be inserted under the proposed subsection (6). As explained more fully in response to the Request for Comment III, below, providing indigent litigants with free access to any electronic record complies with the spirit of Jameson and the body of law in California regarding access to justice.</p> <p><sup>1</sup> See Kelly Jarvis, Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects (July 2017) p. 31. At: <a href="https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf">https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf</a></p> <p>3. Fee Waiver Forms</p> <p>As detailed above, the most effective way to promote access to courts for all litigants would be to provide court reporters or an electronic verbatim record to all litigants with fee waivers. In the event that the Council does not take this</p>	<p>The committee considered this and similar comments and decided to amend the advisory committee comment to include criteria in <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 and to cite that case.</p> <p>The committee determined that rule 3.55 already includes a waiver of fees for a copy of an electronic recording and, therefore, there is no need to add this item.</p>
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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		<p>approach, the next best approach is to update the initial fee waiver request so litigants can indicate they are requesting a free court reporter along with a waiver of other fees. We recommend modifying the language of the form such that the default option is for the litigant to obtain a court reporter. Requiring anything additional constitutes an unnecessary barrier to the right to a free court reporter.</p> <p>In line with this suggestion to provide low-barrier access to justice, the phrase “and you request that the court provide an official reporter” can be deleted from the proposed changes to forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, FW-012-GC.</p> <p>II. Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</p> <p>As detailed above, litigants with fee waivers should be provided with a mechanism for a verbatim record of proceedings without additional request. In the event that the Council does not take this approach, a statewide procedure would be the simplest and easiest way to ensure low-income litigants access to the right to a free court reporter. If local courts implement their own forms, there is greater likelihood of</p>	
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		<p>inconsistency and such forms may create additional barriers for indigent litigants.</p> <p>III. Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?</p> <p>Yes. The administrative cost of copying an electronic recording should be waived for low-income litigants. For the same reasons a free court reporter is essential for access to justice, access to any electronic recording is also necessary. But while the cost of creating a transcript for a court reporter is significant, the cost of providing an electronic recording is minimal, and should be waived for litigants with fee waivers.</p> <p>Creating as few barriers as possible to an electronic verbatim record fulfills the spirit of the Jameson decision and the long line of access to justice cases upon which it rests.</p> <p>Full implementation of Jameson is paramount to ensuring all low-income Californians have access to justice, and we encourage the Council to move forward with the rule change as expeditiously as possible. Provision of court</p>	<p>The committee will consider this at a future meeting.</p> <p>Rule 3.55 already includes a waiver of fees for a copy of an electronic recording.</p>
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			reporters is essential to ensuring that unlawful detainer defendants seeking to avoid displacement from their homes have a full and fair right to litigate their cases.	
10.	San Diego County BAR Association by Heather U. Guerena Chair, Appellate Practice Section	AM	We support the proposed amendments to Rules 2.956 and 3.55 and Forms FW-001- INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-0012-GC. These changes will provide better access to justice for those litigants with fee waivers. Having a court reporter in the trial court ensures that the litigants and appellate courts have an accurate record to adjudicate appeals. Having a record also saves litigants the difficult process of having to obtain a settled statement from the trial court.  Through our experience with the self-help workshops, we have learned that without clear language, the unrepresented litigants will assume more is included in the fee waiver than	The committee appreciates the comments.

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		<p>is intended. The current language references that the participation of the court reporter at the proceeding is included in the waiver. The forms are silent as to whether this includes the cost of preparing the actual transcript following the court proceeding. The APS suggests the Committee consider adding a sentence in the explanation pages to clarify that the fee waiver only applies to the cost to have a court reporter attend the trial court proceedings and take shorthand notes. We respectfully suggest a sentence be added that states the fee waiver does not include the cost to transcribe those shorthand notes into the official reporter's transcript that may be part of the record on appeal.</p> <p>In the experience of our committee members, litigants with fee waivers are often proceeding pro se and therefore lack legal training. These litigants may not even know what a court reporter is or does. The litigants would benefit from a plain English clarification about the scope of the fee waiver.</p> <p>In conclusion, the APS commends the Civil and Small Claims Advisory Committee's work on these rules and forms. Thank you for the opportunity to comment.</p>	
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**W19-06****Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

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11.	Lecia Shorter Beverly Hills, CA	A	<p>There should also be a rule that courts cannot assess court reporter fees to party that has a fee waiver when they have not made court reporters available pursuant to the new Supreme Court decision.</p> <p>There should also be mention about retroactive application when a party has been assessed court reporter fees.</p>	<p>The rule amendment proposed by the commenter is outside the scope of the proposal and unnecessary as there would be no fee to be assessed or waived if no court reporter were provided.</p>
12.	Superior Court of Butte County by Richard Holst Deputy Court Executive Officer	AM	<p>The proposed striking of the language "if the reporter is provided by the Court" from Rule 3.55(7) adds an ambiguity the could be interpreted to mean that the Court is responsible for compensating / paying for reporters that are NOT provided by the Court. The current language makes it clear that the Court is only responsible for / can only waive fees for Court-provided reporters as opposed to privately-provided reporters.</p> <p>If the intent of the proposal is to remove any inference that the Court has discretion to provide or not provide a reporter, that clarification can be made in the Advisory Comment (and/or the Rule(s) that directly address the provision of reporters) without striking the language and creating the ambiguity.</p>	<p>The committee discussed this and determined that no change should be made to further describe the reporters' fees as the law permits only waiver of the fees that are actually paid by the court.</p>
13.	Superior Court of Los Angeles County Los Angeles, CA	AM	<p>Form FW-008 Order on Court Fee Waiver After Hearing:</p>	<p>The committee appreciates the comment and has made these corrections to the forms.</p>

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		<p>Section 5(a)(1): Suggest changing the last bullet to read:</p> <p>Making a transcript or copy of an official electronic <del>recorder</del> <u>recording</u> under rule 8.835</p> <p>Section 5(c)(2): Suggest changing the second to last check box to read:</p> <p>Reporter's fee for attendance at trial or hearing <del>if reporter provided by the court</del> <u>is not electronically recording the proceeding and you request that the court provide an official reporter</u></p> <ul style="list-style-type: none"><li>• <b>Does the proposal appropriately address the stated purpose?</b> Yes.</li><li>• <b>Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</b>  No.</li><li>• <b>Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?</b> Yes, but for Appellants only.</li></ul> <p>Any consideration of fee waivers for copies of electronic recordings should include a clear distinction regarding a copy of the “audio recording” versus a “written transcript” of the</p>	<p>The committee appreciates the comments.</p> <p>The committee notes that rule 3.55 already includes a waiver of fees for the transcript or copy of an electronic recording and thus there is no need to amend the rule to add this item.</p>
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			<p>audio recording. Written transcripts would be absolutely cost prohibitive.</p> <p><b>Would the proposal provide cost savings? If so, please quantify.</b> No.</p> <p><b>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</b></p> <p>Implementation would require 16 hours to draft the request form, process, and procedure. In addition, 30 minutes to one hour of training would be needed for public counter staff, courtroom clerks, and the court reporter services unit on process and procedure.</p> <p><b>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Yes</p>	
14.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p><b>Q: Does the proposal appropriately address the stated purpose?</b> Yes</p>	The committee appreciates the comments on specific questions.

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		<p><b>Q: Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</b></p> <p>No. Courts do not have to ability to provide court reporters in the same manner throughout the state; therefore, flexibility must be allowed so that each court can determine the best way for litigants to request a court reporter be provided.</p> <p><b>Q: Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?</b></p> <p>Yes.</p> <p><b>General Comments:</b></p> <p>On the Guardianship/Conservatorship specific forms (FW-003-GC; FW-005-GC; FW-008-GC; FW-012-GC), our court suggests striking some of the proposed language: “Reporter’s fee for attendance at hearing or trial, <del>if the court is not electronically recording the proceeding</del> and you request that the court provide an official reporter.” Probate falls under the General Civil</p>	<p>The committee will consider this at a future meeting.</p> <p>Following circulation for comment, the committee determined that rule 3.55(11) (to be renumbered (10) already includes a waiver of fees for the transcript or copy of an electronic recording and there is no need to add this item.</p> <p>The committee appreciates this comment and has made the corrections.</p>
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			<p>jurisdiction and cannot be recorded, so the stricken language would only cause confusion.</p> <p>On the FW-008, item #5.c.(2), the proposed language, “Reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter” should be added to the appropriate checkbox.</p> <p>On the FW008-GC, item #7.c.(2), the proposed language, “Reporter’s fee for attendance at hearing or trial and you request that the court provide an official reporter” should be added to the appropriate checkbox.</p>	
15.	Superior Court of Ventura County by Nan L. Richardson, Manager and Jessica Brown, Supervisor	NI	<p><b>1. Does the proposal appropriately address the stated purpose?</b></p> <p>a. Yes, with the following exceptions: The committee is proposing to eliminate the language in CRC 3.55 (7) to state “Reporter’s fees for attendance at hearings and trials, <del>if the reporter is provided by the court.</del>” The purpose of eliminating this language is to relieve courts from an implied mandate to provide an official reporter. However, when reading the CRC without the language, confusion arises as to what “reporter’s fee” the court will</p>	

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			<p>be paying for. The new language may be construed to require the courts to pay any fee charged by an outside pro tem reporter or agency providing a pro tem reporter. The proposed language may cause confusion for the litigants and may increase costs significantly for courts using pro tem reporters. Each county has established their own reimbursement fee. Suggested alternate language, “Reporter’s fees established (or set) by the court for attendance at hearings and trials.”</p> <p><b>2. Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</b></p> <p>a. No. The process may need to be specific to each county and the availability of court reporters in that county. At Ventura Superior Court we provide an official reporter when requested. A Local form for a party with a fee waiver to request a court reporter is available and in use at Ventura Superior Court.</p> <p><b>3. Should rule 3.55 on court fees and costs included in all initial fee waivers be amended to include court fees for copies of electronic recordings in cases in which</b></p>	<p>The committee discussed this and determined that no change should be made to further describe the reporters’ fees as the law permits only waiver of the fees that are actually paid by the court.</p> <p>The committee will consider this at a future meeting.</p>
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		<p><b>an electronic recording is the official record of the proceeding?</b></p> <p>a. Yes. Including the language suggested would clarify requests for copies of electronic recordings for a party with a fee waiver</p> <p><b><u>Additional comments:</u></b></p> <p><b>1. Would the proposal provide cost savings?</b></p> <p>a. If the actual fee paid by the court is clarified, the proposal could provide significant cost savings. Currently outside agencies are charging a higher per diem than the established court fees for a court reporter.</p> <p><b>2. What would the implementation requirements be for the courts – for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems or modifying case management systems?</b></p> <p>a. At Ventura Superior Court no additional training for the Court Reporting department. Family Law, Civil and Probate clerks will need training on the new forms requesting a court reporter or interpreter. Judicial assistants will</p>	<p>Following circulation for comment, the committee determined that rule 3.55 already includes a waiver of fee for the transcript or copy of an electronic recording and there is no need to add this item.</p> <p>The committee appreciates the additional comments.</p>
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			<p>need training on identifying fee waiver hearings and responding to requests for court reporters and interpreters. Tracking the number of requests would be helpful for future analysis.</p> <p><b>3. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>a. At Ventura Superior Court, three months would be adequate. Local forms have been created, and the court has already implemented the new procedure.</p> <p><b>4. How well would this proposal work in courts of different sizes?</b></p> <p>a. The proposal will clarify the new requirements to court staff and litigants when providing reporters on request by parties with a fee waiver. Restricting the reporter fee to a fee established by the court would eliminate a cost overrun by paying market rates for independent court reporter coverage, which may harm courts in areas with a reporter shortage.</p>	
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16.	TCPJAC/CEAC Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC).	AM	<p>Recommended JRS Position: Agree with proposed changes.</p> <p>The proposal is required to conform to a change of law.</p> <p>The JRS notes the following:</p> <ol style="list-style-type: none"><li>1. It would not be helpful to have a statewide procedure for a party to request a court reporter. It is sufficient that the forms will be available to every court.</li><li>2. Rule 3.55 should be amended to include court fees for electronic copies of electronic recordings for appellants. This is an important addition to allowing courts who cannot provide court reporters because of budgeting, to use recording instead. It might expand the use of recording greatly. It would therefore be unfair not to allow a person with a fee waiver to get a copy of the recording and be advised that he/she has a right to such a recording.</li></ol> <p>The JRS also notes the following impact to court operations:</p>	<p>The committee will consider this at a future meeting.</p> <p>Following circulation for comment, the committee determined that rule 3.55(11) already includes a waiver of fees for the transcript or copy of an electronic recording and there is no need to add this item.</p> <p>The committee appreciates the comments.</p>
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			<ul style="list-style-type: none"><li>• Trial court labor or employment related issues and/or concerns. Courts will have to find a way to provide reporters in such civil cases and this will compete with the requirement to provide reporters in other cases. The reporters will have to work more cases or the court will need to potentially hire more reporters.</li><li>• Increases court staff workload.</li></ul>	
17.	Unite the People by Amitabho Chattopadhyay Case Management Director Los Angeles, CA	A	<p>We agree with the proposed changes and believe that they adequately address their intended purpose.</p> <p>We believe that a standardized process for requesting a court reporter, involving the use of a simple Judicial Council form or (preferably) some kind of e-mail or telephone based process would be advisable. The current patchwork of methods may be prone to confuse indigent litigants, who often rely on word-of-mouth and Internet sources and may as a result misunderstand local procedures, may fall victim to overly complex, unpublished or oppressive local rules or incorrectly apply methods from one county to proceedings in another, in the process possibly prejudicing their right to a court reporter.</p>	<p>The committee will consider this at a future meeting.</p> <p>Following circulation for comment, the committee determined that rule 3.55(11) already includes a</p>

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			We agree that rule 3.55 should be amended to include court fees for copies of electronic recordings.	waiver of fees for the transcript or copy of an electronic recording and there is no need to add this item.
18.	<p>Western Center on Law &amp; Poverty by Madeline Howard, Sr. Attorney Los Angeles, CA</p> <p>And the following housing advocacy groups:</p> <ul style="list-style-type: none"> <li>• Fair Housing Napa Valley</li> <li>• Family Violence Law Center</li> <li>• National Housing Law Project</li> <li>• Centro Legal de la Raza</li> <li>• Legal Aid Foundation of Los Angeles</li> <li>• Eviction Defense Collaborative</li> <li>• Law Foundation of Silicon Valley</li> <li>• Legal Aid of Marin</li> <li>• AIDS Legal Referral Panel</li> <li>• Disability Rights Education and Defense Fund</li> <li>• Public Law Center</li> <li>• Public Interest Law Project</li> <li>• HEART Los Angeles</li> <li>• BASTA, Inc.</li> <li>• Bay Area Legal Aid</li> </ul>	NI	<p>Western Center on Law &amp; Poverty and the undersigned housing advocacy groups submit this letter in response to the Judicial Council’s invitation to comment on proposed rules implementing the Jameson v. Desta decision. We echo the concerns outlined in comment letters submitted by our colleagues at the Family Violence Appellate Project and the Legal Aid Association of California, but write separately to address issues specific to housing litigation.</p> <p>Western Center represents low-income Californians in securing housing, health care, racial justice, public benefits and access to justice. Our housing advocacy incorporates promotion of affordable and equitable housing development, protection of tenants’ rights, and preventing displacement of low-income communities and communities of color. We also work to ensure equal access to courts for people with disabilities, people with limited English proficiency, low-income people and other groups. Because Western Center is a statewide support center for legal services programs, attorneys representing tenants in unlawful detainers contact us for assistance when their clients experience barriers to court access or other harms. Western Center is therefore uniquely positioned to assess the impact of the Judicial Council’s proposed changes to the court</p>	

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		<p>rules, particularly as they will apply in unlawful detainer litigation.</p> <p>The undersigned legal services attorneys also advocate for low-income tenants across California, and appear on behalf of these tenants in unlawful detainers on a regular basis. In the current affordable housing crisis, when our clients are displaced from their homes, they often become homeless or are forced to relocate to remote areas where they are cut off from their communities, jobs and schools. At the same time, in rent-controlled jurisdictions, property owners have ever greater incentive to initiate baseless unlawful detainers to displace tenants from their affordable units. It is more important than ever that tenants be afforded their full rights within unlawful detainer proceedings. In <i>Jameson</i>, the California Supreme Court recognized “the realistic, crucial importance that the presence of a court reporter currently plays in the actual protection of a civil litigant’s legal rights and in providing such a litigant equal access to appellate justice in California.” <i>Jameson v. Desta</i>, 5 Cal.5th 594, 608 (2018).</p> <p>Given the critical importance of these rights, we appreciate the Civil and Small Claims Advisory Committee’s proposing changes to California Rules of Court, Rules 2.956 and 3.55, and revising associated forms to implement the <i>Jameson</i> decision. At the same time, we believe that the Judicial Council should go further to ensure that all low-income litigants actually</p>	
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		<p>receive the benefit of the Jameson decision. The new court rules should reflect the principle “that California courts, pursuant to the principles of the in forma pauperis doctrine, have the inherent discretion to facilitate an indigent civil litigant’s equal access to the judicial process. . . .” Jameson v. Desta, 5 Cal.5th at 605. Our detailed responses to the Judicial Council’s questions are set out below.</p> <p>I. Courts should provide a court reporter, or other mechanism for verbatim recording of court proceedings, to all litigants with fee waivers</p> <p>While the proposed Rule changes address the stated purpose, we suggest the following changes will strengthen the proposal and more fully implement Jameson by providing access to free court reporters with as few barriers as possible. As the high court stated, “[t]he procedure for allowing the poor to use court services without paying ordinary fees must be one that applies rules fairly to similarly situated persons, is accessible to those with limited knowledge of court processes, and does not delay access to court services.” Id. at 607, citing Gov’t Code §68639(b).</p> <p>In order to ensure the most access for indigent persons, we propose that courts provide court reporters, or other mechanism for verbatim recording of proceedings, to all litigants with fee waivers, without requiring a specific request</p>	
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		<p>from the litigant. Like the plaintiff in Jameson, many of our clients represent themselves in court and may not understand the importance of a court reporter to fully litigating their case. In unlawful detainer cases, tenants have only 5 days from service of summons to file an answer or other responsive pleading, which makes it very difficult to retain counsel. In addition, many tenants cannot afford to pay an attorney, and must seek assistance from legal services agencies, which have capacity to serve only a small fraction of tenants needing representation. As a result, many tenants defend themselves in unlawful detainer proceedings in pro per. Unrepresented tenants are unlikely to recognize the importance of a court reporter in preserving a meaningful right to appeal or pursue other post-judgment remedies.</p> <p>The undersigned legal services agencies routinely work with clients who have already gone to trial without counsel and only retain an attorney after judgment has been entered against them. The absence of a verbatim record makes it difficult for counsel to assess the merits of the case or assist the client with a potential appeal or post-judgment motion to preserve their housing. Providing court reporters or other methods of preserving a verbatim record of proceedings to all litigants with fee waivers is a critical step towards protecting the rights of these vulnerable populations. Detailed suggestions for how to implement this</p>	
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		<p>suggestion in the Rules of Court are provided below.</p> <p>1. Rule 2.956 As explained further below, the easiest way to fully implement Jameson is to provide court reporters to all litigants with fee waivers, as those litigants are more likely to be people with disabilities, people with Limited English Proficiency, or members of other groups who may experience barriers to completing court forms.<sup>1</sup> We therefore suggest amending the proposed subsection (c)(2) to read:</p> <p>[2]If the party has been granted a fee waiver and if the court is not electronically recording the hearing or trial, the court shall provide an official reporter for attendance at the proceeding.</p> <p>Alternatively, if the Council finds that provision of court reporters to all indigent litigants is not possible, the rule should permit fee waiver applicants to request the waiver of court reporter or electronic record fees in the fee waiver form itself. No additional barriers should be created for low-income litigants to access their right to a free court reporter.</p>	<p>The committee discussed this and declined to make this change because <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 requires courts to provide a means to create an official verbatim record only on the request of a fee waiver recipient and case management systems currently do not identify fee waiver recipients for calendaring purposes (and for purposes of filing fees they only identify the plaintiff or moving party. A fee waiver recipient may request an official reporter.</p> <p>It is unnecessary for a fee waiver recipient to request waiver of these fees. An item has been added to the forms for waiver of “reporter’s fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter.”</p>
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		<p>2. Rule 3.55 Rather than changing the language of the advisory committee comment to Rule 3.55, the Council should remove the comment entirely. As indicated by the fact that the Supreme Court needed five full pages to discuss the meaning and effect of this comment, it is confusing. <i>Jameson</i>, 5 Cal.5th at 614-19. The proposed version of the comment remains confusing and does nothing to clarify the rule itself, which is clear on its own.</p> <p>We also suggest adding a subsection (7) to the rule providing that waiver of initial fees includes “Fees for a digital copy of an electronic recording,” which could be inserted under the proposed subsection (6). As explained more fully in response to the Request for Comment III, below, providing indigent litigants with free access to any electronic record complies with the spirit of <i>Jameson</i> and the body of law in California regarding access to justice.</p> <p>3. Fee Waiver Forms As detailed above, the most effective way to promote access to courts for all litigants would be to provide court reporters or an electronic verbatim record to all litigants with fee waivers. In the event that the Council does not take this approach, the next best approach is to update the initial fee waiver request so litigants can indicate they are requesting a free court reporter along with a waiver of other fees. We recommend modifying the language of the form</p>	<p>The committee considered this and similar comments and decided to amend the advisory committee comment to include criteria in <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594 and to cite that case.</p> <p>Rule 3.55(11) already includes a waiver of fees for a copy of an electronic recording and there is no need to add this item.</p>
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		<p>such that the default option is for the litigant to obtain a court reporter. Requiring anything additional constitutes an unnecessary barrier to the right to a free court reporter.</p> <p>In line with this suggestion to provide low-barrier access to justice, the phrase “and you request that the court provide an official reporter” can be deleted from the proposed changes to forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, FW-012-GC.</p> <p><sup>1</sup> See Kelly Jarvis, Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects (July 2017) p. 31. At: <a href="https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf">https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf</a></p> <p>II. Would it be helpful to have a uniform statewide procedure for a party to request a court reporter?</p> <p>As detailed above, litigants with fee waivers should be provided with a mechanism for a verbatim record of proceedings without additional request. In the event that the Council does not take this approach, a statewide procedure would be the simplest and easiest way to ensure low-income litigants access to the right to a free court reporter. If local courts implement their own forms, there is greater</p>	<p>The committee declined to make this change. The proposed revisions to forms are consistent with <i>Jameson v. Desta</i> (2018) 5 Cal 4th 594.</p> <p>The committee will consider this at a future meeting.</p>
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		<p>likelihood of inconsistency and such forms may create additional barriers for indigent litigants.</p> <p>III. Should rule 3.55, on court fees and costs included in all initial fee waivers, be amended to include court fees for copies of electronic recordings in cases in which an electronic recording is the official record of the proceeding?</p> <p>Yes. The administrative cost of copying an electronic recording should be waived for low-income litigants. For the same reasons a free court reporter is essential for access to justice, access to any electronic recording is also necessary. But while the cost of creating a transcript for a court reporter is significant, the cost of providing an electronic recording is minimal, and should be waived for litigants with fee waivers.</p> <p>Creating as few barriers as possible to an electronic verbatim record fulfills the spirit of the Jameson decision and the long line of access to justice cases upon which it rests. Full implementation of Jameson is paramount to ensuring all low-income Californians have access to justice, and we encourage the Council to move forward with the rule change as expeditiously as possible. Provision of court reporters is essential to ensuring that unlawful detainer defendants seeking to avoid displacement from their homes have a full and fair right to litigate their cases.</p>	<p>Rule 3.55(11) (11) already includes a waiver of fees for a copy of an electronic recording and there is no need to add this item.</p>
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**Civil Practice and Procedure: Waivers of Court Fees for Court Reporters and Interpreters** (rules 2.956 and 3.55; forms FW-001-INFO, FW-003, FW-003-GC, FW-005, FW-005-GC, FW-008, FW-008-GC, FW-012, and FW-012-GC)

All comments are verbatim unless indicated by an asterisk (\*).

19.	Theresa Williams Pasadena, CA	A	The Los Angeles County Superior Court advertises to the public that it is a court of record but fails to record all proceedings and restricts access to the court when the cost to hire a court reporter is unaffordable to most litigants. The court doctrines are oppressive to pro se litigants as litigants are forced to engage in pre-trial matters that could go on for years, and without it being officially recorded. It is necessary in an appeal to be able to have adequate record keeping of the trials as proceedings in the lower courts are void of common law remedies and the tribunal is not independent from the magistrate (the public employee) who is often bias. If someones liberty and real estate, land and building, immovable property is at risk, the courts should provide a court reporter, especially for the indigent.	The comment is outside the scope of the proposal; no response is required.
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