



Subject Text

Meeting materials
are available through

File #: 23-098, Version: 1

Title

Rules and Forms | Appellate Procedure: Reporters' Transcripts (Action Required)

Summary

The Appellate Advisory Committee recommends amending several rules relating to the format of reporters' transcripts and borrowing the record on appeal. Code of Civil Procedure section 271 requires that as of January 1, 2023, a reporter's transcript must be delivered in electronic form unless a party or person entitled to the transcript requests it in paper format. In recognition that most reporters' transcripts will be in electronic form, the committee recommends allowing transcripts to be in a single volume in most cases. In addition, the committee recommends clarifying that, to be accepted in lieu of depositing the estimated cost of the transcript with the court, a certified transcript submitted by a party must comply with specified format requirements. The committee also recommends creating an exception to the requirement that the page numbering in an electronic format reporter's transcript match the electronic page counter in PDF view in certain cases involving multiple-reporter cases. This proposal originated with suggestions from the California Court Reporters Association.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend rules 8.130, 8.834, 8.866, and 8.919 of the California Rules of Court to state that a certified transcript submitted by a party in lieu of depositing the cost of preparing a reporter's transcript must not be accepted unless it complies with the applicable format requirements.
2. Amend the advisory committee comments accompanying rules 8.130, 8.866, and 8.919 to:
 - a. Provide examples of the types of changes that would need to be made to comply with the applicable format requirements;
 - b. State that parties submitting certified transcripts in lieu of a deposit are responsible for ensuring that such transcripts are in the proper format; and
 - c. Indicate that the parties may arrange with a court reporter to do the necessary formatting of the transcript or may do the formatting themselves.
3. Add an advisory committee comment, modeled on the comments accompanying rules 8.130, 8.866, and 8.919, to rule 8.834 to address the use of certified transcripts in lieu of a deposit for a reporter's transcript.
4. Amend rule 8.144 to:
 - a. Provide that, if a clerk's or reporter's transcript is being delivered in electronic form to all courts, parties, and persons entitled to the transcript, it may be produced in a single volume but must comply with the requirements of rule 8.74(a)(5);
 - b. Provide an exception for reporters' transcripts in multiple-reporter cases in which a segment of the reporter's transcript is either longer or shorter than the number of pages assigned by the primary reporter from the requirement that, in transcripts in electronic form, the electronic page counter in the PDF file viewer must match the transcript page numbering.
5. Further amend rule 8.144 and amend rules 8.204 and 8.622 to replace references to reporters' transcripts

or the record on appeal being in “electronic format” with “electronic form.”

6. Amend rules 8.452 and 8.456 to modify the requirements for augmentation motions in the juvenile proceedings addressed by these rules by:
 - a. Providing an exception for reporters’ transcripts in multiple-reporter cases from the requirement that documents attached to such motions be consecutively paginated; and
 - b. Adding references to the specific subdivisions of rules 8.122 and 8.130 that explain how to identify documents or transcripts that are not attached to such motions.
7. Further amend rule 8.838 to:
 - a. Add a cross-reference to rule 8.144(a); and
 - b. Replace the provision relating to the 300-page volume limit with a cross-reference to the relevant subdivision of rule 8.144.
8. Amend rule 8.866 and further amend rule 8.919 to replace references to the format requirements of rule 8.144 with references to the format requirements of rule 8.834.