

COURT POLICY REGARDING ADDITIONAL COURT REPORTER FEES

As a result of the recent budget negotiations and its subsequent enactment, Government Code Section 68086 has been amended. Subsection (1) of this section previously provided that in each civil action lasting more than one hour, a court shall charge the litigants, on a *pro rata* basis, a fee for the services of an official court reporter. This fee is chargeable for each one-half day of services rendered. This section has been incorporated into the San Bernardino County Trial Court Fee Schedule, which sets forth, *inter alia*, that court reporter per diem fees for civil proceedings lasting more than one hour is \$326.00 per half day and \$631.00 per full day. This Court has previously determined Family Law proceedings are governed by this section.

In the amended Government Code Section 68086, the aforesaid subsection has been divided into two parts. Subsection (B) contains the stated language regarding fees for cases lasting more than one hour. The new addition, Subsection (A) asserts, in pertinent part:

(A) For each proceeding lasting less than one hour, a fee of \$30.00 shall be charged for the reasonable cost of the services of an official court reporter .

This Court has also determined that this fee be applied to family law proceedings. Accordingly, it shall be the new stated policy of this Court, regarding this additional court reporter fees, as follows:

- 1) A \$30.00 fee shall be added to any filing fee charged for the filing of a Request for Order, Notice of Motion, and Request to Set a Hearing on a default or uncontested matter.
- 2) This fee shall not be added to any pleading filed under the Domestic Violence Prevention Act (DVPA).
- 3) If during the pendency of a Family Law proceeding the party litigants seek to set a hearing, trial or other proceeding which exceeds one hour, but that will last no more than one-half day, the judicial assistants in the courtrooms in which these matters are set shall apprise the party litigants that a fee for court reporter services in the amount of \$316.00 (half day fee) shall be charged. The fee shall be collected at or before the hearing, trial or other proceeding commences, and shall be payable in the same manner as the fees for "long cause" trial are currently paid.
- 4) This policy will not affect the manner and method in which fees for court reporter services in "long cause" matters are paid and collected.

5) This fee is not chargeable in any hearing, trial or other proceedings which exceeds one hour which arises from the filing of an action under the DVPA, or is set as a result of an Order to Show Cause Re: Contempt.

6) A party litigant seeking a waiver of this fee should file an appropriate Request for Waiver of Court Fees and Costs, which shall be ruled on timely by the Judge or Commissioner presiding over the action. However, it is still the policy of the court that court reporter transcript fees are not to be waived under any circumstances. Further, a party is not entitled to a transcript of the hearing or proceeding unless the party pays the cost of the transcript and has paid his/her share of the court reporter fees or previously obtained a fee waiver for the court reporter fees.

7) If the fee for one-half day of court reporter services is paid and the hearing, trial or other proceeding is completed in less than one hour, the party litigants can seek a refund similar to those remitted when long cause actions are resolved or are completed in less than one day. The judicial officer has the discretion to grant or deny this request for refund.

8) If after the initial proceeding, the hearing, trial or other proceeding is continued or rescheduled at the request of a party or counsel, the Court will impose a \$30 fee for each additional hearing and allocate, or not allocate, the fee among the parties. The Court has the discretion to waive the \$30 fee for any continued or rescheduled hearing, trial or other proceeding.

This policy shall be implemented forthwith, and shall apply to any currently set trial hearing or proceeding.