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FILED
KERN COUNTY SUPERIOR COURT
4/15/2022
BY Hinojosa, Ana
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

**IN RE: COURT REPORTER
AVAILABILITY IN CASES ARISING
UNDER THE MENTALLY
DISORDERED OFFENDERS ACT**

MISCELLANEOUS NO.: STO-22-0009

Due to the severe court reporter shortage, and pursuant to Code of Civil Procedure section 269(a)(3), beginning April 18, 2022, court reporters will no longer be provided for cases arising under the Mentally Disordered Offenders (MDO) Act, Penal Code sections 2960 et seq., in addition to all other types of cases which are already not being reported as of today's date. "Although related to the crime for which a person was imprisoned, an MDO proceeding focuses on criteria determined by mental health professionals [and thus,] an MDO proceeding is civil in nature, not criminal." (*People v. Renfro* (2004) 125 Cal.App.4th 223, 231; *see also Kansas v. Hendricks* (1997) 521 U.S. 346, 117 S. Ct. 2072, 138 L.Ed.2d 501 (holding that Kansas' similar Sexually Violent Predator Act was civil, not criminal, and did not

1 violate substantive due process, ex post facto, or double jeopardy prohibitions).

2 The Court's inability to provide a court reporter for such proceedings is based
3 upon the extreme court reporter shortage. As a general matter, the shortage is not
4 limited to Kern County. In October 2019, the National Court Reporters Association
5 (NCRA) reported a shortage of 5,000 court reporters in the U.S. Jim Cudahy, who
6 was the executive director of the NCRA when market research firm Ducker
7 Worldwide prepared a court reporting industry outlook, said in January 2021 there
8 was a shortage of about 9,000 court reporters. See [here](#). The number of new
9 stenographers entering the workplace each year is not keeping pace with the
10 number of those who are retiring. In 2013, the Ducker study showed that 70% of all
11 stenographers were over the age of 46. Now in 2022 the tide of retirements is
12 taking its toll. Less than 200 court reporters graduate every year – a figure that is
13 completely inadequate to make up for the number of retirees. California, being one
14 of the most litigious states, is among the five states that are being hit the hardest.
15 California's Court Reporters Board also recognizes the challenge of the number of
16 court reporter school closings. See [here](#).

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18 Due to its geographic size, the County of Kern has nine (9) separate
19 courthouses presently in use. There are 38 Judicial seats (4 are vacant), along with
20 seven Commissioners. The Kern County Superior Court has 33 authorized court
21 reporter positions. 24 of those positions are currently filled. Of those 24 filled
22 positions, 1 will be out for several months on a protected leave, leaving 23 reporters
23 to serve the entire county. Over the past two years, 10 court reporters have retired
24 and/or resigned, and three more are retiring by the end of this year. In spite of
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1 extensive recruitment efforts, the Court has only been able to hire 4 reporters,
2 leaving the Court to operate in a deficit.

3 In an effort to hire more court reporters, the Court scheduled meetings with
4 the owners of two of the most well respected reporting firms in Kern County, "Wood
5 and Randall" and "Sylvia Mendez & Associates." Christine Randall and Sylvia
6 Mendez answered questions about the shortage of court reporters and provided
7 insight into the ongoing problem. They pointed out that reporters can work remotely
8 for Los Angeles law firms, so there is no incentive to work for the courts. Our Court
9 Executive Officer, Tamarah Harber-Pickens led a statewide Court Executive
10 Officers' discussion to support a change in legislation in order to attract future court
11 reporters to the profession. Judge Chad Louie, two members of the Executive
12 Management team, and three court reporters met with California Senator Shannon
13 Grove on August 12, 2021 to garner support to increase the pass rate for reporters
14 on their examination and for an increase in the transcript rates. Our Deputy Court
15 Executive Officer of Operations, Tara Leal, was recently appointed to the board of
16 WESTEC, which has a Court Reporting Program, and is the only public recognized
17 reporter training school within one hundred and twenty miles of Bakersfield. There
18 are seven court reporter schools recognized by the Court Reporters Board of
19 California under California Business & Professions Code § 8027, and Taft College
20 Court Reporting is one of them in nearby Shafter, California. See [here](#). WESTEC
21 board meets quarterly, and Ms. Tara Leal attended the September 14, 2021 meeting
22 so she could be introduced to the board.
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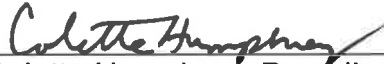
25 We also have ongoing recruitment since August 28, 2017. The recruitment

1 was taken down on May 5, 2021 and immediately reposted in an effort to ensure
2 that the recruitment appears current. Over the last year the Court has posted court
3 reporter positions on the Court's Twitter newsfeed and sent the postings to the
4 Judicial Council of California's list serve. Prior to the COVID-19 pandemic, from
5 2019 – 2020 the Court attended nine (9) job fairs, and at all but one of the fairs we
6 had a court reporter in attendance to answer questions.

7
8 These recruitment efforts were made despite the grim graduation statistics
9 from California's Court Reporting Schools, which show that only 19 applicants
10 statewide passed the professional practice examination between November 1, 2021
11 through February 28, 2022. See [here](#). Prior to that, only 17 applicants statewide
12 passed the professional practice examination between March 1, 2021 and June 30,
13 2021. See [here](#).

14 Therefore, it is this Court's ruling, based on the narrow facts of the specific
15 situation faced on this date, that the rights of the parties to have their cases heard
16 must outweigh the preference for a certified court reporter in MDO cases. This court
17 will proceed with its calendared hearings on these matters, and the record shall be
18 made with the use of electronic recording.

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20 Dated: April 15, 2022.

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22 
23 Colette Humphrey, Presiding Judge
24 Kern County Superior Court
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