

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 711 (Chen)  
Version: May 6, 2025  
Hearing Date: June 24, 2025  
Fiscal: No  
Urgency: No  
AWM

**SUBJECT**

Civil Actions: shorthand reporters

**DIGEST**

This bill requires a party to include, as part of its meet-and-confer declaration submitted in support of a discovery motion, whether the parties have met and conferred regarding the retention of a certified shorthand reporter for the hearing on the motion.

**EXECUTIVE SUMMARY**

Only a licensed court reporter can take a record of a court proceeding. A party wishing to have their proceeding recorded by a court reporter can do so in one of two ways. If the court has an official court reporter available to take down the proceedings, the party can request that the court reporter take the record of their proceeding. If the court does not have an official court reporter available, a party can retain a freelance licensed court reporter to serve as an official pro tempore reporter. According to the author and sponsors of the bill, however, sometimes multiple parties to a case each retain a court reporter, which results in court reporters being unavailable for matters and parties expending unnecessary funds.

This bill is intended to help parties avoid double-booking freelance court reporters by requiring a party, as part of its meet-and-confer declaration in support of a discovery motion, to state whether the moving party has conferred with the opposing party regarding the retention of a certified shorthand reporter to report the hearing on the motion. The bill specifies that the party can accomplish the court reporter meet-and-confer through electronic communication, which will permit parties to more easily meet and confer on this point.

This bill is sponsored by the California Court Reporters Association and the Deposition Reporters Association of California and is supported by SEIU California. The Committee has not received timely opposition to this bill.

## **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Requires, in a civil case, an official reporter or official reporter pro tempore of the superior court to take down in shorthand all testimony, objections made, rulings of the court, exceptions taken, arguments of the attorneys to the jury, and statements and remarks made and oral instructions given by the judge or judicial officer, on the order of the court or at the request of a party. (Code Civ. Proc., § 269.)
- 2) Establishes the Civil Discovery Act, which governs discovery in civil cases. (Code Civ. Proc., pt. 4, tit. 4, §§ 2016.010 et seq.)
- 3) Requires a party filing a motion pursuant to the Civil Discovery Act to file a meet-and-confer declaration in support of the motion; the declaration must state facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. (Code Civ. Proc., § 2016.040.)

This bill:

- 1) Requires that the meet-and-confer declaration filed in support of a discovery motion to include whether the moving party has met and conferred with the subject of the motion, including through an electronic communication, regarding the retention of a certified shorthand reporter to report the hearing on the motion.
- 2) Provides that 1) does not prevent the retention of a certified shorthand reporter.

## **COMMENTS**

### **1. Author's comment**

According to the author:

AB 711 adds a simple but important requirement to the existing “meet and confer” process that takes place before filing a motion. Specifically, it requires counsel to also discuss whether they intend to retain a court reporter for the proceeding.

Currently, it is common for multiple attorneys to independently retain separate freelance court reporters for the same hearing or motion – resulting in duplicative services. This practice leads to several reporters sitting through the same proceeding, making them unavailable for other court hearings or depositions, and unnecessarily increasing costs for clients.

AB 711 does not impose any cost on the General Fund. By incorporating a brief discussion – “Are you hiring a court reporter?” – into the existing pre-motion process, the bill will improve court reporter availability and reduce redundant expenses for clients. It is a straightforward and cost-neutral solution that addresses inefficiencies in our court system.

2. This bill requires a party to include in its meet-and-confer declaration in support of a discovery motion whether the parties have conferred regarding the retention of a court reporter for the hearing

Only a licensed court reporter can take a record of a court proceeding.<sup>1</sup> A party wishing to have their proceeding recorded by a court reporter can do so in one of two ways. If the court has an official court reporter available to take down the proceedings, the party can request that the court reporter take the record of their proceeding.<sup>2</sup> If the court does not have an official court reporter available, a party can retain a freelance licensed court reporter to serve as an official pro tempore reporter.<sup>3</sup>

According to the author and sponsors, parties often fail to coordinate regarding the retention of a court reporter in matters for which no official court reporter will be available, which can result in multiple freelance court reporters being retained for the same proceeding. This inefficiency wastes the court reporter’s time and the parties’ money.

This bill is intended to help parties avoid double-booking freelance court reporters by requiring a party, as part of its meet-and-confer declaration in support of a discovery motion, to state whether the moving party has conferred with the opposing party regarding the retention of a certified shorthand reporter to report the hearing on the motion. The bill specifies that the party can accomplish the court reporter meet-and-confer through electronic communication, which will permit parties to more easily meet and confer on this point. In response to stakeholder concerns, the bill is not a requirement that the parties actually accomplish the discussion – the bill requires only that the moving party state whether the discussion took place, and specifies that the bill does not affect a party’s right to retain a court reporter. Nevertheless, the author and sponsors hope that requiring this statement will spur parties to discuss in advance whether they will retain a freelance court reporter.

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<sup>1</sup> Code Civ. Proc., § 269.

<sup>2</sup> Gov. Code, § 68086.

<sup>3</sup> *Ibid.*

3. Arguments in support

According to the California Court Reporters Association:

As every working court reporter knows, it is common for attorneys to double-book freelance court reporters for the same hearing or trial in court, resulting in court reporters needlessly being unavailable to be retained by other attorneys for other matters for an entire workday.

AB 711 simply requires counsel to meet and confer regarding whether they are retaining duplicate reporters for the same matter prior to any court appearance. This is a common-sense measure that will benefit litigants, lawyers, and the courts with no cost to the state's General Fund.

**SUPPORT**

California Court Reporters Association (co-sponsor)  
Deposition Reporters Association of California (co-sponsor)  
SEIU California

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending legislation: None known.

Prior legislation: None known.

**PRIOR VOTES:**

Assembly Floor (Ayes 70, Noes 0)  
Assembly Judiciary Committee (Ayes 12, Noes 0)

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