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February 25, 2021

The Honorable Thomas J. Umberg
Chair, Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, CA 95814

The Honorable Mark Stone
Chair, Assembly Judiciary Committee
State Capitol, Room 104
Sacramento, CA 95814

Re: February 23, 2021 Informational Hearing – COVID and the Courts

Dear Senator Umberg and Assemblymember Stone,

Thank you for holding a Joint Judiciary hearing earlier this week to address *COVID and the Courts: Assessing the Impact on Access to Justice, Identifying Best Practices, and Plotting the Path Forward*. We are grateful for your attention to the challenges our court system faces, many of which have of course been exacerbated by the pandemic.

There are two issues discussed during the hearing that we would like to underscore. The first relates to in-person jury trials currently being held in Los Angeles Superior Court. As discussed at the hearing, many counties have moved to remote court proceedings but the Los Angeles Superior Court has been holding in-person jury trials in eviction cases since October 2020. Forcing those facing eviction to appear in court risks not only the client's health, but also the attorney representing them, the jurors, and all court personnel. At the courthouse, temperatures are not taken, masks are worn initially but removed once inside, and litigants wait in crowded hallways and courtrooms where social distancing is impossible. The safest way to proceed is to order an immediate halt to all in-person jury trials. The fact that each county decides how their courts will operate, and that in Los Angeles County each judge gets to make further determinations about their courtroom, is a dangerous, confusing and ineffective way for California courts to operate.

A second concern is the severe and ongoing shortage of court reporters for family law cases in California. One of the witnesses at the hearing addressed the difficulties court reporters have had in being able to hear and clearly understand what is being said on the record due to COVID safety measures (and court reporters have died from COVID), but these facts compound an already alarming situation of not having enough court reporters for cases needing timely and accurate record-keeping. Due to the pandemic, we know that the number of people experiencing domestic violence who are trapped in their home with their abuser has risen exponentially. This has led to an uptick in domestic violence restraining order requests and child custody issues. Having a record of these proceedings is crucial because the ability to appeal an erroneous decision by a trial court hinges on the availability of a court reporter and the accompanying transcript. For domestic violence survivors and children who are in harms way, the ability to correct a poor ruling on appeal could save their life. All litigants must have access to a court reporter, particularly in family court where incidents of domestic violence and child custody matters are spiking.

CWLC's mission is to create a more just and equitable society by breaking down barriers and advancing the potential of women and girls through transformative litigation, policy advocacy, and education. We prioritize ensuring all litigants have access to justice, regardless of their income level. Halting in-person jury trials and ensuring court reporters are available for hearings will improve access to justice for the most vulnerable in our communities.

The Judicial Council must set forth statewide standards that ensure safety and accessibility to our courts and we must ensure a record of family court proceedings is provided to every litigant, as required by the California Supreme Court in *Jameson v. Desta* (2018).

With gratitude for your commitment to ensuring justice is accessible to all,

A handwritten signature in cursive script that reads "Betsy Butler".

Betsy Butler
Executive Director