# LEGISLATIVE UPDATE - OCTOBER 2026

## Mary Pierce, Legislative Chair

This article is predominantly a review and update related to the three items on my radar last time: The Supreme Court of California hearing on the unconstitutionality of an ER ban in certain courtrooms, AB 2783, aka the RPR reciprocity bill, and AB 2290, the bill proposing electronic originals as an official original transcript in court.

So let's start first with the findings of the Supreme Court in the matter of FVAP vs. Superior Courts of California (four named counties).

On June 3, 2026, the long-awaited hearing before the California Supreme Court was conducted in Los Angeles, with the Petitioner, Family Violence Appellate Project (FVAP), asking the Supreme Court of California to rule that the ban against the use of electronic recording in the state courts, other than for limited civil cases, misdemeanors or infractions, is unconstitutional. The Respondents were the Superior Courts of Contra Costa, Santa Clara, Los Angeles and San Diego Counties, although I would not call the Respondents' arguments a defense against the Petitioner's request. There was little daylight between the position taken by FVAP and the counsel for the Superior Courts.

The Supreme Court issued its ruling on August 10, 2026, finding that the ban was unconstitutional when it came to indigent litigants and that, upon request, the courts must provide said indigent litigants with "meaningful access in all cases to an official verbatim record of proceedings, including by means of electronic recording if an official reporter or official reporter pro tem is unavailable." Of course, what constitutes an indigent litigant is yet to be determined. I expect it will be on a case-by-case basis, with determinations made on a judge-by-judge basis.

So while the ruling was disappointing, it was not unexpected. Still, we can take some comfort in the limitations the court imposed and that they did not rule that ban unconstitutional for all litigants.

We certainly hope that the courts will honor both the language and the spirit of the ruling by making every effort to hire licensees to fill positions that remain open, as well as conduct meaningful searches to secure a court reporter for all hearings where one is requested. There is reason to believe that some of the named defendant courts have not done so thus far, even after receiving millions of dollars to financially enable that goal.

But each one of us needs to know how to educate and advocate for the use of Certified Shorthand Reporters in all legal proceedings in California, we need to keep growing the numbers of licensees in the state, even while no one seems to be helping us, and we need to show up for as many assignments as possible, including in person whenever requested. Don't give anyone an opportunity or a reason to put someone else in our chair.

**AB 2290 (Lackey) – A Bill To Make Electronic Original Transcript Delivery Acceptable - And A Long Overdue Change In The Read-And-Sign Process Statutes That DRA Achieved For You! (in place of a separate Depo Diplomat article)**

The original proposal and seemingly sole intent of AB 2290 was to provide that the noticing party of a deposition, at their sole discretion, could elect to receive only an electronic final original transcript in place of the traditional hard copy, bound and sealed, and then shipped to the taking attorney or party to maintain custody pending its potential use at trial.

DRA saw an electronic-only original transcript as problematic in many different ways, and primarily beneficial to the coalition of national firms that proposed it. The higher the volume produced by any given agency, the higher the number of hard copy originals to print, bind, seal and ship every day. Yeah, it's a lot of work, but so is achieving 95 percent accuracy (or 97.5 percent in the past) on a skills exam. But both are a requirement because both standards matter.

DRA was initially opposed to this bill. However, when it became clear that some version of this law was going to go forward, DRA's legislative committee, in consultation with the board, accepted the invitation to engage in offering amendments. And while we offered a few amendments that were also accepted, all aimed at protecting the integrity and security of the verbatim record, there were ancillary amendments that we proposed to protect deposition reporters, mostly brought on by a situation that concerned a DRA member that came to me as a Depo Diplomat inquiry.

You may not realize it, but for decades, the Code of Civil Procedure has stated that the Deposition Officer is responsible for all the elements in the process of facilitating the review of a transcript by a witness and the incorporation of the signature and any changes made by the witness into that transcript. When our member took a deposition for a national firm early on in her career in a California Superior Court matter, no read and sign was offered to the witness, even though that statutory right was waived by no one. When the case went to trial, this became an issue with the litigants and their counsel.

Fortunately, no complaint was filed against the court reporter/deposition officer in that situation, but she could well have been in a predicament with the CRB if there had been because of the pertinent statutes within the CCP at the time the events transpired and the fact that she left a box on her worksheet blank. Sure, the agency should have inquired, but they didn't.

But now DRA has effected change to correct the CCP to reflect the longstanding practice of read-and-sign being conducted by the court reporting firm with whom the job was booked. But going forward, whether the agency for whom you took an assignment correctly executes the read-and-sign process should cease to be a concern for working reporters. The statutory responsibility now rests where it should – at the feet of the Court Reporter Firm with whom the job was set.

And finally, our biggest concern was assuaged through an unexpected development that came by way of a proposed amendment from the Judicial Council, an entity with which I often do not agree. The Judicial Council required a change in the bill's language from a court "shall" accept an electronic original to a court "may" accept an electronic original. That very option should result in most attorneys continuing to request the hard copy sealed and bound original so that they don't end up without crucial evidence if they go to court and appear before a judge that will only accept a hard copy sealed original. Which is what we thought was best all along.

**AB 2783 – RPR Reciprocity And How To Remain A First Choice Of Agencies**

This bill, sponsored by the California Assembly Judiciary Committee, proposed reciprocity for the required skills test portion of the California CSR exam for anyone who has a current, valid Registered Professional Reporter (RPR) certificate. Holders of a Certified Verbatim Reporter (CVR) or a Certified Verbatim Reporter-Stenotype (CVR-S) certificate had previously been granted reciprocity. AB 2783 passed successfully through the State Assembly and Senate, and was signed into law by Governor Newsom on September 18, 2026, and enacted immediately, as it was filed as an urgency statute.

I am aware that some CSRs living and working throughout California are concerned that passage of AB 2783 will result in a flooding of the market by out-of-state reporters taking remote assignments away from resident reporters, because their lower cost of living would enable them to undercut the rates of California reporters. That was predicted by some folks when the CVR and CVR-S holders received reciprocity in January of 2025, but I personally have not experienced that.

But those of you living in California also have a distinct advantage. You are here and can offer a service that most out-of-state reporters cannot. You can take in-person assignments. The more services you offer as a reporter, be it realtime, rough drafts, expedited turnarounds, in-person appearances, the more in demand you will be with most agencies. And trust me, going in person is a service that is in high demand these days. And I believe that most agencies take care of the reporters that take care of them, that help them out in a pinch or go that extra mile. They are likely to offer you more jobs and/or better jobs.

And I'm not saying you have to only take in-person jobs. But how about once a week? Twice a month?

Just a few years ago, nearly all our assignments were in person. Now, six years post-COVID, there is a significant percentage of reporters who only want to do remote jobs. Sure, I like the convenience of a remote deposition, but I also recognize that we are a service industry. If a client wants a court reporter to appear in person, as a profession, we must be able and cheerfully willing to provide that service -- consistently. Quite frankly, there are some distinct advantages to being in person when it comes to a better auditory experience as a court reporter, as well as an increased ability to control the room and, therefore, the quality of the record.

So I encourage you to not conclude that the sky is about to fall. Even if the availability of remote assignments is affected – and I'm not convinced it will be -- that doesn't mean there's nothing you can do about it. In my 44-year career, there have been both mild and moderate slowdowns in available work. But I was always a team player. I was always willing to take some of the tougher assignments, and sometimes willing to drive a little farther if a favored agency was truly in a spot after making every effort to find coverage. And I have always been rewarded with appreciation and a steady stream of quality work.