

California Supreme Court Accepts Case Brought to Protect Constitutional Rights of Low-Income Litigants

For Immediate Release

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Oakland, CA (February 20, 2025) - The California Supreme Court has accepted a case brought to protect the rights of low-income litigants who are being harmed by the statewide court reporter shortage. The Supreme Court only accepts a small percentage of the cases, so its acceptance of this case signals its recognition of the important constitutional issues and the breadth of the impact caused by the shortage.

This critical case brought by Family Violence Appellate Project, represented by Covington & Burling LLP and Community Legal Aid SoCal, and Bay Area Legal Aid **alleges that the trial courts' failure to provide a verbatim record (word-for-word record) to low-income litigants violates due process, equal protection, and separation of powers under the California Constitution.** Without a verbatim record, it is essentially impossible for litigants to appeal an incorrect decision that may be harmful to them. Currently, litigants are denied equal access to the appellate courts simply because they cannot afford a private court reporter – an average cost of \$3,300 per day.¹ In addition, verbatim records are vital to the basic operation of our court system, allowing judges to fairly and efficiently administer justice.

The California Supreme Court ordered the Superior Courts of Contra Costa, Los Angeles, Santa Clara, and San Diego Counties to provide the Court with more information about “why the relief sought in the petition should not be granted.” It also invited the California Legislature to participate in briefing and set a briefing schedule.

Jennafer Wagner, Family Violence Appellate Project’s Director of Programs, explains: *“We are incredibly grateful the Supreme Court has agreed to consider our case addressing trial courts' inability to provide a verbatim (word-for-word) record of what happens in thousands of court hearings every day resulting in devastating effects to low-income litigants, including survivors of domestic abuse.”*

Brenda Star Adams, Bay Area Legal Aid’s Director of Litigation, adds: *“Our attorneys see first-hand that access to justice in California too often comes at the cost of a private court reporter. We are thankful that in accepting our case, the Supreme Court has recognized the importance of this issue. Wealth must not be the deciding factor in determining access to justice.”*

Family Violence Appellate Project is represented by Sonya D. Winner, Ellen Y. Choi, Bryanna Walker, Jacob Pagano and Eva Dorrrough of Covington & Burling LLP, and Sarah Reisman, Katelyn Rowe and Erica Embree Ettinger of Community Legal Aid SoCal. Bay Area Legal Aid is represented by Brenda Star Adams and Jessica Wcislo of Bay Area Legal Aid.

¹ Judicial Council of California, *Fact Sheet: Shortage of Certified Shorthand Reporters in California* (June 2024).

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Family Violence Appellate Project is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. For more information about this case, visit [FVAP's Webpage](#).

Bay Area Legal Aid is the largest provider of free civil legal services in the Bay Area, serving thousands of low-income clients each year with advice and counsel, referrals, and representation in seven counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara. For more information about this case, visit [BayLegal's Webpage](#).

Community Legal Aid SoCal is a legal aid organization dedicated to fighting injustice and advocating for social, economic, and racial equity by providing compassionate, holistic, and impactful legal services to low-income people throughout Orange and Southeast Los Angeles Counties. For more information about this case and others, visit the [Systemic Impact Unit Webpage](#).

*In an increasingly regulated world, [Covington & Burling LLP](#) provides corporate, litigation, and regulatory expertise to help clients navigate their most complex business problems, deals, and disputes. The firm is frequently recognized for pro bono service, including 12 times being ranked the number one pro bono practice in the U.S. by *The American Lawyer*.*