

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report Summary**

TO: Members of the Judicial Council

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DATE: January 19, 2010

SUBJECT: Court Closures: Evaluation of the Impacts of One-Day-per-Month Judicial  
Branch Closures (Action Required)

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Issue Statement

On July 28, 2009, Governor Schwarzenegger enacted the State Budget for fiscal year 2009–2010, authorizing the Judicial Council to “provide that the courts be closed for the transaction of judicial business for one day per month.” (Gov. Code, § 68106.) On July 29, 2009, the Judicial Council designated the third Wednesday of the month from September 2009 through June 2010 as a uniform statewide court closure day. The council directed that on that day, all superior courts, Courts of Appeal, and the Supreme Court would be closed. The closure was intended as a tool to help courts absorb the substantial budget reductions imposed in fiscal year 2009–2010.

This issue is before the council again for the following reasons:

- At its July meeting, the council directed that an evaluation of the effects of the court closures be presented in a public meeting in January 2010 to consider whether circumstances and experience warrant altering the plan for court closures for the rest of the fiscal year.
- The Administrative Office of the Courts (AOC) received substantial input from the Supreme Court, Courts of Appeal, superior courts, and justice system

partners on their experiences during the first three months of statewide court closures concerning the impacts on court operations and access to justice, including views on the need for closures, the selection of the third Wednesday of the month as the closure day, and the need for statewide uniformity in closing courts.

- On January 8, 2010, the Governor declared a fiscal emergency and called a special session of the Legislature to address a budget shortfall of \$6.6 billion in the current fiscal year. Although the Governor did not propose further reductions in the judicial branch budget, it is currently unknown whether the branch will be expected to absorb further reductions in the current year.

### Recommendation

The AOC recommends that the Judicial Council:

1. Continue the one-day-per-month court closures as directed in July 2009 on the third Wednesday of the month through the end of June 2010.
2. Reaffirm that keeping courts open and accessible to the public remains a council priority, and reaffirm the council's commitment to advocate for sufficient resources in fiscal year 2010–2011 to avoid the need for future court closures.
3. Direct the Administrative Director of the Courts, in consultation with the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Administrative Presiding Justices Advisory Committee, and appellate clerk/administrators, to develop recommendations and guidelines if it becomes necessary to implement limited closures—on a court-by-court basis—should the Legislature and Governor not provide sufficient resources for the judicial branch in fiscal year 2010–2011. The recommendations and guidelines, to be presented to the council at its April meeting, must provide each court the option to close on a limited basis, if necessary, with uniform limited closure days for courts needing that option. The recommendations and guidelines must take into consideration the significant concern expressed by courts over the selection of Wednesday as the court closure day in fiscal year 2009–2010; how, notwithstanding limited closures, the judicial branch will provide uniformity in hours of court operation and consistency in justice available statewide; and all of the principles in the attached “Principles for Development of a Limited Court Closure Plan.”

### Rationale for Recommendation

In late November and early December 2009, the AOC surveyed the Supreme Court, Courts of Appeal, superior courts, and justice system partners to help determine the monetary savings obtained as a result of the court closures and the extent of disruption to court users, county justice partners, and court operations. Fifty-four superior courts

responded to the survey,<sup>1</sup> as did all Courts of Appeal and the Supreme Court. In addition, 275 justice system partners responded to the justice partner survey.

The statute provides for, and the council mandated, a single statewide closure day each month to provide consistency and uniformity statewide. The nature of the practice of law and the mobility of California's population is such that attorneys do not practice law in only one county, and California residents do not appear in court only in the counties in which they live. It was believed that there would be significant statewide confusion and resulting disruption if court closures were not uniform throughout the state. Additionally, the council believed that closing the courts one day each month would enable courts to marshal their resources to allow for continued and adequate access throughout the remainder of the month. The council believed that failure to close the courts would result in limited services and less than acceptable levels of access for the public *every* day of the month. In other words, though it may sound ironic, the council directed the closure of the courts to ensure that the courts could remain open and accessible.

The following factors should be considered by the council in determining whether to continue the one-day-per-month court closures directed on July 29, 2009:

- The \$45 million in savings that will be achieved by continuing the court closures, and the ability to absorb this additional amount should the closures not continue;
- The impacts on court calendars, court operations, and access to justice;
- The ability of some courts to absorb the 2009–2010 budget reductions without closing courts, furloughing staff, or depleting their fund balances;
- The dissatisfaction expressed by many courts with the closure occurring midweek; and
- The benefits of uniformity for the courts, justice system partners, and court users.

Because of the late enactment of the budget, the closures began September 2009, resulting in a maximum of 10 closure days in the fiscal year. It was estimated that court closures for the 10 months from September 2009 to June 2010 could result in savings to the trial courts of approximately \$85.4 million and savings to the Supreme Court, Courts of Appeal, and the AOC of approximately \$8.5 million, for a total of \$93.9 million.

In response to the surveys, courts identified actual cost reductions from the closures for the months of September, October, and November 2009 totaling \$18.4 million. For the seven closure days from December 2009 through June 2010, courts estimate additional savings of \$45 million. *In total, by June 2010, it is estimated that the total cost reductions achieved in the fiscal year as a result of the statewide court closures will be approximately \$63.3 million. Estimated savings for the Supreme Court, the Courts of*

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<sup>1</sup> Although most of the questions to the superior courts were contained in the survey prepared by the AOC, some questions were included in a survey sent at the same time by the Trial Court Presiding Judges Advisory Committee. As of December 31, 2009, only 35 courts had responded to the latter survey.

*Appeal, and the AOC will exceed the initial partial-year savings estimate of \$8.5 million by about 13 percent.*<sup>2</sup> These estimates include savings attributable to judicial participation in the Voluntary Salary Waiver (VSW) program and direct donations to courts. Based on direction from the council, \$5 million has been allocated to the courts for court operations based on an estimate of the savings to be achieved through participation in the VSW program. As a result of slightly higher VSW savings than projected, and savings to courts from local donation programs and other alternatives that were unanticipated at the time of the council direction which may change the circumstances that dictated a proportionate allocation of the VSW savings to courts, the Trial Court Budget Working Group is being convened to develop recommendations for presentation to the council in the near future on the appropriate allocation of the VSW to fairly distribute the savings.

Significant savings already have been achieved through the statewide court closures, and although less than initially estimated, greater cost reductions are projected through the rest of the fiscal year. As approved by the council, court closures were intended to provide a uniform means for courts to address substantial reductions in the current year without having to implement other more painful operational reductions that affect access to justice every day of the month. Although far from a perfect tool, and having an unquestionable impact on court operations and the smooth and effective delivery of justice, the statewide court closures do provide a viable method in the short term to absorb the significant budget reductions imposed on the branch.

Furthermore, with the special legislative session scheduled to address \$6.6 billion in additional budget reductions needed for the current fiscal year, it would be premature to eliminate a method that will enable the branch to absorb \$45 million of budget reductions.

The impact of court closures varied considerably from court to court. A few courts reported that there was no discernible impact or only a minimal impact. But most courts reported, as the council expected, that there was a noticeable impact on court operations and court users from closure of the courts. Workload does not go away simply because the court is closed one day a month. Just as on existing court holidays, that workload shifts to other days. The council's intention in reviewing its decision to close courts one day each month was to ascertain whether the impacts were significantly more severe than anticipated and whether the benefits not sufficient to justify continuation of the closure. The survey results do not suggest that to be the case.

The report that follows describes in detail input received from the courts and justice system partners on the following issues:

- The general impacts of the court closures on court operations and court users;

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<sup>2</sup> While only half of the Courts of Appeal furloughed all staff on the court closure day, all staff not furloughed on the closure day were furloughed on a different day that month.

- The impact of the selection of the third Wednesday of each month as the court closure day;
- The benefits of a uniform, statewide court closure day versus the benefits of local decisionmaking regarding the need for court closures and the appropriate day for such closures; and
- In addition to court closures, actions taken to help courts absorb reductions that may also affect the delivery of services to the public and access to justice.

#### Alternative Actions Considered

Other possible actions that the AOC discussed as options the Judicial Council could take are outlined below.

##### *Cancel closures for the remainder of the fiscal year*

The council could cancel the closures for the remainder of the fiscal year, although with courts having scheduled hearings for several months in advance and having negotiated furloughs, it would probably take some time before such a directive could become effective, resulting in the closures continuing through March or April. The AOC rejected this alternative because a number of courts rely on the closures and associated activities to absorb the budget reductions and would have no sufficient alternative to achieve the necessary level of savings. For the seven months of closures from December 2009 through June 2010, it was estimated that between the superior courts, Courts of Appeal, Supreme Court, and the AOC, an additional \$45 million in savings could be achieved. The likely result of requiring courts to absorb this additional \$45 million without statewide closures would be widely divergent practices statewide.

##### *Direct limited closures in lieu of the statewide closures*

The Judicial Council could cancel the closures for the remainder of the fiscal year and instead direct limited closures on the statewide court closure day. Under this approach, courts would remain open for arraignments, emergency orders, issuance of restraining orders, and other matters of the utmost urgency. Some security savings could still be achieved, although more security would be required than with the complete closures currently in place. Additionally, courts needing to furlough employees would be able to furlough much of the staff on the day of the limited closure and implement rolling furloughs, if necessary, for those staff needed at work on the limited closure days.

The AOC also considered suggesting that the limited closure day be moved from Wednesday to Friday. However, courts have already made significant calendar adjustments to accommodate the closures on Wednesdays and have scheduled many hearings and trials assuming closure on the third Wednesday of the month. Some courts reported in response to the survey that although Wednesday was not the ideal day, switching at this point would be more difficult. The AOC rejected this alternative because keeping the courts closed for civil, family, probate, and nonemergency criminal matters but switching the day of the closure midstream would create substantial scheduling

challenges and lead to considerable public confusion. Additionally, only the statewide closure authorized by Government Code section 68106 is treated as a court holiday for the transaction of judicial business, and there would be confusion regarding computation of time for filings, the conduct of hearings, and other judicial business for the rest of the fiscal year. This could potentially cause missed deadlines and result in the denial of justice.

#### Comments From Interested Parties

See the Rationale for Recommendation section for a summary of survey results.

#### Implementation Requirements and Costs

Failure to adopt the recommendation to continue the closures for the remainder of the fiscal year would result in \$45 million of fiscal year 2009–2010 budget reductions that would need to be absorbed within existing resources.

Attachment

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SUBJECT: Court Closures: Evaluation of the Impacts of One-Day-per-Month Judicial  
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Issue Statement

As part of the 2009–2010 State Budget enacted on July 28, 2009, the Legislature and the Governor authorized the Judicial Council to “provide that the courts be closed for the transaction of judicial business for one day per month.” (Gov. Code, §68106.) In permitting the statewide closure of California courts, the Legislature declared that “the current fiscal crisis, one of the most serious and dire ever to affect the state, threatens the continued operations of the judicial branch. This situation requires a unique response to effectively use judicial branch resources while protecting the public by ensuring that courts remain open and accessible and that the core functions of the judicial branch are maintained to the greatest extent possible.” On July 29, 2009, the Judicial Council designated the third Wednesday of the month from September 2009 through June 2010 as a uniform statewide court closure day. The council directed that on that day, all superior courts, Courts of Appeal, and the Supreme Court would be closed.

The closure was intended as a tool to help courts absorb the substantial budget reductions imposed in fiscal year 2009–2010. It was estimated that this court closure for the 10 months from September 2009 to June 2010 could result in savings to the trial courts of

approximately \$85.4 million and savings to the Supreme Court, Courts of Appeal, and the Administrative Office of the Courts (AOC) of approximately \$8.5 million, for a total of \$93.9 million.

The statute provides for, and the council mandated, a single statewide closure day per month to provide consistency and uniformity statewide. The nature of the practice of law and the mobility of California's population is such that attorneys do not practice law in only one county, and California residents do not appear in court only in the counties in which they live. It was believed that there would be significant statewide confusion and resulting disruption if court closures were not uniform throughout the state.

When the council took this action, it directed an evaluation of the effects of the court closures be presented at a public meeting in January 2010 to consider whether circumstances and experience should alter the plan for court closures for the rest of the fiscal year. To assist in this evaluation, the council directed the AOC to obtain information from the courts about the council on the actual monetary savings that are obtained as a result of the court closures and the extent of disruption to court users, county justice partners, and court operations.

An additional factor occurred after the July 2009 council meeting that affects the decision of whether to continue the one-day-per-month court closures: on January 8, 2010, the Governor declared a fiscal emergency and called a special session of the Legislature to address a budget shortfall of \$6.6 billion in the current fiscal year. Although the Governor did not propose further reductions in the judicial branch budget, it is unknown as of this date whether the branch will be expected to absorb further reductions in the current year. The council may find that this uncertainty makes it premature to eliminate a tool that will enable the branch to absorb \$45 million of budget reductions from December 2009–June 2010.

### Recommendation

The Administrative Office of the Courts recommends that the Judicial Council:

1. Continue the one-day-per-month court closures as directed from July 2009 through the end of June 2010.
2. Reaffirm that keeping courts open and accessible to the public remains a council priority, and reaffirm the council's commitment to advocate for sufficient resources in fiscal year 2010–2011 to avoid the need for future court closures.
3. Direct the Administrative Director of the Courts, in consultation with the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Administrative Presiding Justices Advisory Committee, and appellate clerk/administrators, to develop recommendations and guidelines if it



becomes necessary to implement limited closures—on a court-by-court basis—should the Legislature and Governor not provide sufficient resources for the judicial branch in fiscal year 2010–2011. The recommendations and guidelines will be presented to the council at its April meeting and take into consideration and be consistent with the principles set forth in the “Principles for Development of a Limited Court Closure Plan” on page 25 of this report.

Rationale for Recommendation

In response to the direction from the council at its July 29, 2009, meeting, the AOC conducted several surveys. The first one was sent to trial courts on November 24, 2009, to ascertain the savings attributable to the closure, including salary savings (if any) and savings on security expenditures, as well as to secure input from the courts on the impact of the closure on court operations. Fifty-four courts had submitted survey responses as of December 31, 2009.<sup>3</sup> A more limited version of this survey was sent to the Supreme Court and Courts of Appeal on December 7, 2009, eliminating most of the questions that were not relevant to the appellate courts. The Supreme Court and all Courts of Appeal submitted responses to the survey.

On November 24, 2009, a survey was sent to justice system partners to collect their input on the impact of court closures. Responses were received from 275 justice system partners,<sup>4</sup> categorized as follows:

Appellate counsel	18
CASA	17
Child dependency counsel	39
Child support/welfare	38
Civil attorneys, plaintiff and defense	14
County	12
Court staff/labor	36
Criminal defense, public and private	19
District attorney	23
Family law attorney	9
Legal aid	14
Probate/guardianship attorney	5

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<sup>3</sup> The Trial Court Presiding Judges Advisory Committee (TCPJAC) sent a survey to all trial courts at the same time inquiring about the impact of budget reductions. To avoid duplication, questions about the impacts of other budget reduction actions taken by the courts (such as hiring freezes, layoffs, reduction in counter hours, etc.) were included in the TCPJAC survey and not in the survey sent by the AOC. Only 35 courts had responded to the TCPJAC survey as of December 31, 2009.

<sup>4</sup> A total of 278 total responses were received. However, 3 responses from individuals who were not the intended audience for this survey (two superior court judges and one AOC employee) were eliminated.

Sheriff	26
Other law enforcement	3
Other	2

*Fiscal impact of statewide court closures*

In spring 2009, staff prepared a preliminary estimate of court operational cost reductions that could be achieved in fiscal year 2009–2010 related to the implementation of statewide one-day-per-month judicial branch closures. As displayed in tables 1 and 2 (attached), the initial estimate totaled \$112.7 million and was based on the following assumptions:

- Courts would be closed one day per month for the entire fiscal year;
- Court employee salaries and salary-driven benefit costs would be reduced by 4.62 percent as a result of the closures;
- Court security costs would be reduced by 4.62 percent as a result of the implementation of the statute; and
- Seventy-five percent of judges and justices would participate in the Voluntary Salary Waiver (VSW) program.

Because of the late enactment of the budget, the closures began September 2009, resulting in a maximum of 10 closure days in the fiscal year. Based on 10 instead of 12 closure days, the initial estimate of fiscal year 2009–2010 savings related to statewide court closures throughout the judicial branch was revised downward to \$93.9 million.

In response to the surveys, courts identified actual cost reductions that were achieved from the closures for the months of September, October, and November 2009. As reflected in the attached tables, this amount totaled \$18.4 million. Based on this information, savings estimates for the rest of the fiscal year have been projected. For the seven closure days from December 2009 through June 2010, courts estimate additional savings of \$45 million. *By June 2010, it is estimated that the total cost reductions achieved in the fiscal year as a result of the statewide court closures will be \$63.3 million.*

Overall, the trial courts’ estimate of savings for fiscal year 2009–2010 is about 63 percent of the initial partial-year estimate of \$93.9 million. This difference largely results from what courts were able to achieve as a result of local negotiations with court employee labor representatives and negotiations with sheriffs’ offices on current year security charges. Additionally, as a result of actions taken in prior years to manage their budgets and the condition of their fund balances, some trial courts felt they could absorb the reductions without needing to furlough staff on the closure days. Thirty-five of the 54 courts responding to the survey (65 percent) reported having furloughed all employees on

the court closure days.<sup>5</sup> Ten courts reported no furloughs on any of the three court closure days. The remaining 9 courts furloughed at least one employee on the court closure days. For the 54 courts reporting, 72–79 percent of employees were furloughed on each of the court closure days. However, 4 courts reported that furloughed employees were allowed to receive pay for the day, and 10 courts permitted employees to use accrued leave as compensation for the furlough day. As a result of all of the above, although the budget reductions were able to be absorbed by the courts that did not furlough all staff or allowed for the use of leave credits or compensation on the furlough day, the anticipated “savings” resulting from the court closure were not fully realized.<sup>6</sup> *Estimated savings for the Supreme Court, the Courts of Appeal, and the AOC exceed the initial partial-year savings estimate of \$8.5 million by about 13 percent.*<sup>7</sup>

One element of the savings that needs to be addressed further is the allocation of the savings achieved through the VSW program. On July 29, 2009, the council, as part of the overall allocation of funding, acted to allocate all of the savings anticipated through the VSW program directly to courts as an offset to courts’ budget reductions contained in the state Budget Act for 2009. By law, these savings may only be directed to the courts. The savings were intended for and directed to support court operations, and have been allocated for this purpose. Given uncertainty about how much would actually be saved, the council action assumed an initial amount of \$5 million, and offset this funding from the reductions applied to all courts, prorated based upon each court’s share of the overall statewide budget. As shown in table 1A, the estimated amount of savings attributable to the VSW is now anticipated to exceed the initial estimate slightly. Additionally, circumstances have changed since the council action, as courts have developed alternatives to the VSW program such as direct donations to courts and formation of local nonprofit entities to receive and distribute contributions from judges. The use of these alternatives has varied widely from court to court. As a result, the council’s direction will need to be reevaluated to ensure an equitable distribution of the VSW savings. The Administrative Director of the Courts has asked that the Trial Court Budget Working Group be convened to develop recommendations that will be presented to the council in February or April of this year for the final allocation of the VSW savings.

Significant savings already have been achieved through the statewide court closures, and although less than initially estimated, greater cost reductions are projected through the rest of the fiscal year. Forty-two courts report plans to implement furloughs on all of the remaining court closure days; 1 court will implement furloughs on only some of the remaining court closure days. Furloughs will be mandatory for at least 39 of these courts.

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<sup>5</sup> Only 31 courts reported furloughing all employees on the first court closure day.

<sup>6</sup> A few courts also reported that as a result of heavier than expected calendars and traffic in the court on the day before and after a closure day, security had to be increased, and courtroom clerks and others court staff had to be paid overtime as some calendars ran past 5 p.m., somewhat reducing the savings anticipated from the closures.

<sup>7</sup> While only half of the Courts of Appeal furloughed all staff on the court closure day, all staff not furloughed on the closure day were furloughed on a different day of the month.

As approved by the council, court closures were intended to provide a uniform means for courts to address substantial reductions in the current year without having to implement other more painful operational reductions that affect access to justice every day of the month. Although far from a perfect solution, and having an unquestionable impact on court operations and the smooth and effective delivery of justice, the statewide court closures do provide a viable method in the short term to absorb the significant budget reductions imposed on the branch.

In addition to the cost reductions directly related to court closures, trial courts also have identified other areas of related savings that they have achieved in the current year from such measures as implementation of staff furloughs on days other than court closure days,<sup>8</sup> or by implementing local court closures in advance of the statewide court closures that went into effect in September 2009. The total savings from these efforts is estimated at \$8 million and is displayed in table 1b. While these additional savings would presumably still be achieved even if the statewide court closure program were not continued, these cost reduction measures would not be sufficient to offset the overall loss of savings that would be experienced by courts if the court closures were not continued.

#### *Impact of court closures on court operations and justice system partners*

The impact of court closures varied considerably from court to court. A few courts reported that there was no discernible impact or only a minimal impact. But most courts reported, as the council expected, that there was a noticeable impact on court operations and court users from closure of the courts. It was anticipated that court operations would be affected. Just as with existing court holidays, the workload on court closure days must shift to other days. Courts still must process cases and file documents, so delays will necessarily result. The workload is not eliminated. The council's intention in reviewing its decision to close courts one day each month was to ascertain whether the effects were significantly more severe than anticipated and the benefits not sufficient to justify continuation of the closure. The survey results do not suggest that to be the case.

However, the effects on court operations are important to understand. The Superior Court of Alameda County<sup>9</sup> quantified to some extent the impact on its operations, finding "the impact of court closure days to be much greater than the typical holiday." Looking at case filings for limited and unlimited civil, probate, family law, and mental health cases for August–November 2009, the court found that on the day after Labor Day, Columbus Day, and Thanksgiving, the number of documents filed increased 5–15 percent. The court

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<sup>8</sup> Twenty courts implemented staff furloughs on days other than the court closure day. Fourteen courts reported mandatory furloughs of as many as eight days on days other than court closure days (13 of which also furloughed some or all staff on the court closure days); 5 courts (all of which also furloughed some or all staff on the court closure days) offered voluntary furloughs. One court reported both mandatory and voluntary furloughs in addition to the closure days.

<sup>9</sup>The surveys distributed to the courts did not indicate that responses would be reported by court name. Unless express permission was sought and granted to refer to the court by name, respondents are identified generally only.

paid particular attention to the day after the Wednesday Veterans Day holiday, finding that these filings were 11 percent higher than for a typical Thursday. In contrast, “on the day after a court closure day, the average number of documents filed was 31 percent higher than the average Thursday of a typical five-day week.” The court speculated that the reason for this substantial difference is that unlike typical holidays, when all of their justice system partners are also closed, “while the court is closed for business [on the closure day] all other systems which feed into the court’s workload are fully operational, causing a log-jam effect the following work day and rippling into the next week.”

A couple of courts suggested that the same or higher savings could be achieved by an alternative approach that would inconvenience the courts and the public less than the one-day-per-month closures. One court suggested that “a 4:30 daily closure would have little impact on calendars or public access but would result in a 6.25 percent reduction of employee costs and a 5.5 percent reduction of facilities costs. An alternative would be to close Fridays at 3:00 p.m. each week, which would result in a 5 percent employee cost reduction. . . . After these closures, security would not be required for the rest of the day.”<sup>10</sup>

Because the courts’ responses were far from uniform, a sampling of responses received about the impact of the one-day-per-month closures on court operations and court users is included below. For comparison purposes, court responses are categorized by court size consistent with the four clusters established as part of the Resource Allocation Study (RAS).

<b>RAS Cluster</b>	<b>Selected Impacts of Court Closures on Court Operations and Court Users</b>
Cluster 1 (very small courts)	<ul style="list-style-type: none"> <li>• No known adverse impacts.</li> <li>• Increases caseload on other calendars; increases need for staff overtime.</li> <li>• Jury trials longer than two days are interrupted, taking longer to complete.</li> <li>• All long cause trials (more than two days) must be heard during the first, second, or fourth week of each month. This causes upheaval in courtroom management and assigned judge management and may require that the court rent an off-site facility to accommodate the calendars.</li> </ul>
Cluster 2 (small courts)	<ul style="list-style-type: none"> <li>• We have had to restructure our calendars to accommodate the displaced cases. This has resulted in significant congestion at all courthouses during closure weeks. Extra security has been necessary to</li> </ul>

<sup>10</sup> No validation of these assumed savings was performed by the AOC.

	<p>manage the traffic. Larger calendars have put greater demands on our staff, and we are beginning to see backlogs increase.</p> <ul style="list-style-type: none"> <li>• Mail is double on Thursdays; lost workday has delayed processing time; increased workload on research attorneys who lose the extra day for case review; lost day for calendar clerks to pull calendars.</li> <li>• The impact on the court has been minimal.</li> <li>• Some additional congestion on court calendars and/or lengthening of time to receive a hearing or trial. It is difficult, however, to quantify this impact due to other factors also occurring over the same time frame.</li> <li>• Jury trials are elongated, impacting the jurors and their return to work. Criminal calendars are larger. In civil, because litigants wait longer for hearings to be held, there is an increase in filing of ex parte motions.</li> <li>• The calendars in the arraignment courts are much heavier the day before and the day following the closure day, but it has been manageable.</li> <li>• Generally inconvenient to the public because we are in a county building and the county offices are open.</li> <li>• We have seen an increase in the time it takes to get cases to trial, an increase in the time it takes to process filings, an increase in the time it takes to process work following court hearings. Additionally, there is a substantial increase in clerical errors due to the shortage and increasing pressure on staff to accomplish more work in less time. These errors can jeopardize public safety.</li> </ul>
<p>Cluster 3 (medium courts)</p>	<ul style="list-style-type: none"> <li>• There are large spikes in the workload in the days before and after a court closure day. This has a ripple effect across the entire court system, affecting everything from courtroom operations to the number of self-represented litigants seeking self-help services to the number of people undergoing security screening to enter court facilities. The court has seen an increase in ex parte hearings due to pro per litigants' confusion as to the court being closed in the middle of the week. Judges and research attorneys have less time to prepare tentative rulings.</li> <li>• There is twice as much mail on the Thursday after the court closure day. Consequently, it takes twice as much time to open, sort, and distribute. Arraignments that would normally be held on the court closure day must be heard on the following Thursday along with the arraignments for that Thursday. Adding an additional day's worth of arraignments to Thursday's arraignments exacerbates security and prisoner classification challenges. As a further consequence, the attorneys' ability to talk with their clients has been impacted.</li> <li>• Staff has noted a significant increase in customer issues at the public</li> </ul>

	<p>counter on the day after closure, which increases the time staff must spend responding to questions.</p> <ul style="list-style-type: none"> <li>● The numbers of cases on the calendars have gradually increased. There is not adequate time to address all the cases scheduled for hearing, thus resulting in the cases being continued.</li> <li>● Phone calls following a furlough day are up as much as 40 percent. Court dates have needed to be changed and notices sent to affected parties. Judges' calendars are being overset to accommodate the court closures.</li> </ul>
<p>Cluster 4 (large courts)</p>	<ul style="list-style-type: none"> <li>● Given the limited number of closure days thus far experienced, it is not possible to quantify the impact. The following consequences have been reported: delayed trials and inconvenienced expert witnesses and jurors; court support functions such as scanning and filing documents are delayed; high-volume processing such as traffic citations and other correspondence is delayed; some court calendars are more congested on the day following the closure.</li> <li>● Similar to the impact of a weekend day or court holiday.</li> <li>● The primary impacts of the court closure itself are far less substantial than the effect of the severe reduction in staff that has come from the loss of funding.</li> <li>● The impact of the court closures is significant. In addition to the impact on courtroom proceedings and case file processing due to the mandated reduction of available court days, the court . . . will continue to be compelled to address the following: coordination with law enforcement agencies to ensure citations are not issued for court closure days; coordination with justice partners to ensure proceedings are not scheduled for court closure days; programming changes to stop juror summons[es] from issuing on court closure days.</li> <li>● The impact [on criminal cases] would appear to be minimal. In terms of workload there has been no increase. As for probate, the impact has been significant, reducing the level of service to the public to up to 25 percent. There have been some minor delays in getting cases scheduled. Jury selection is more difficult because a dark day extends the time of service to more than one day.</li> </ul>

Justice system partners were also asked to describe the impact on their organization of the court being closed to the public on the three mandated court closure days. Responses varied widely, with some reporting that the closures in no way affected their work with the courts, others indicating a substantial impact, and still others reporting a positive impact: having a trial free day when they were able to do office work. Responses from a few respondents in each category follow:

<b>Justice System Partner</b>	<b>Effects of the Court Closures</b>
CASA	<ul style="list-style-type: none"> <li>• No real impact.</li> <li>• So far it has made for a very busy court calendar on the days following a closure.</li> <li>• Makes less time for judge to review cases, less time to spend on each case, pushes court dates out, making children wait longer for permanence.</li> <li>• It has actually allowed us an additional workday outside of defined court days to get work completed.</li> </ul>
Child dependency counsel	<ul style="list-style-type: none"> <li>• There has been no adverse impact on my practice by the closure.</li> <li>• It actually helps to have the court closed once a month.</li> <li>• The delay has left the court unable to hear all matters timely.</li> <li>• It has been very difficult; the closure of court means a terrible backlog of cases, the packing of calendars the day prior to the furlough day, and an overflow of calendared items on the day following a furlough day.</li> <li>• Minimal. We have been able to work around the closures much the same way that we work around holidays now.</li> <li>• Increases calendar congestion and time that it takes to finish a contested hearing, thus delaying justice to the parties.</li> <li>• The reduced court days have caused significant delay in scheduling contested hearings. Hearings that require a date to be set in 30 days are often taking 3–5 months to complete.</li> </ul>
Child support, child welfare	<ul style="list-style-type: none"> <li>• We are forced to set our court hearings two to three months out. This does not serve the needs of our customers or the children affected by those orders.</li> <li>• None. Our court accommodated us by allowing us extra motion filings to accommodate for the number of motions we lost on the furlough days.</li> <li>• The impact has been minimal.</li> <li>• Our child support commissioner now has to hear the Wednesday calendar on Tuesday and Thursday court days. This makes for excessively large calendars for those days and court will sometimes run into the lunch hour.</li> <li>• Greatly impacts out-of-home filing deadlines, resulting in longer waits until detention hearings for parents.</li> <li>• No effect.</li> </ul>
Civil attorneys, plaintiff and defense	<ul style="list-style-type: none"> <li>• People’s patience is much shorter and they are fighting with each other in line.</li> </ul>



	<ul style="list-style-type: none"> <li>• Causes calendaring problems, scheduling problems, confusion as to filing rules.</li> <li>• It's been harder to schedule routine conferences, motions, etc.</li> <li>• None compared to normal holiday closures and vacation reductions in services.</li> <li>• A furlough day that falls during trial actually enables counsel to get organized and be more focused for the remainder of the trial.</li> </ul>
County	<ul style="list-style-type: none"> <li>• No impact.</li> <li>• This has caused increased expenses in the jails, juvenile hall, probation, and the entire justice system.</li> </ul>
Court employees	<ul style="list-style-type: none"> <li>• The following day we have lines going out the door.</li> <li>• No effect.</li> <li>• Our clerks have experienced an increase in workload.</li> <li>• The same amount of work needs to be processed each week, and cutting out one day only makes the other days more jammed up. The entire week of the furlough day is a rush to make up for the eight hours we are not able to do on that day.</li> <li>• The public, in general, remains unaware of the closure until they attempt to contact the court on the closure day. They then often express frustration with their inability to conduct business.</li> <li>• Calendaring of trials, other court hearings, more difficult.</li> <li>• Sometimes the calendars for other days are set heavier to make up for the furlough days.</li> <li>• The self-help center had almost double the customers on the Thursdays following the court closure, which meant that more people had to be turned away because of insufficient resources to meet such an increased in demand in one day.</li> </ul>
Criminal defense bar, public and private	<ul style="list-style-type: none"> <li>• Calendars are impacted, causing numerous continuances. However, the extra day during the week can help in preparation.</li> <li>• This had no effect on jury or court trials or other court services.</li> <li>• Clients and witnesses are unable to visit the Public Defender's Office located in Juvenile Hall because the court is closed for the day, which can adversely affect their outcome and representation.</li> <li>• It severely impacts the trial and pretrial process in our county. After the court closures, court runs sometimes until 7 p.m., and it is unacceptable.</li> <li>• It seems like the closure adds to the general inefficiencies of the criminal justice system. Other than some time spent preparing for the Thursday calendar, much of the furlough day is wasted.</li> </ul>

	<ul style="list-style-type: none"> <li>• Increase to calendars the same as any other holiday.</li> <li>• Clients [are] held an additional day in county jail. Significant increase in court calendar congestion, particularly during the week of the mandated closure.</li> </ul>
District attorney	<ul style="list-style-type: none"> <li>• It has had no effect.</li> <li>• Created minor difficulties in the scheduling of two cases.</li> <li>• It has greatly impacted our court.</li> <li>• Wednesday is the day felony trials start, so instead of having our 2- to 3-day trials completed in one week, they get continued to the following week, which interrupts the flow of evidence to the jury and delays other trials.</li> <li>• The judges do not set jury trials for that week, unless time not waived and a jury must be started. This means that the opportunity to get cases to trial is reduced by nearly 25 percent per month.</li> <li>• The court calendars are much heavier the day after the court closure.</li> <li>• Cases normally heard [on] the closure days are jammed into already full calendars on other days. Cases take longer to conclude due to the increased volume on the remaining days.</li> <li>• No significant impact on our operation.</li> </ul>
Family law attorney	<ul style="list-style-type: none"> <li>• No major disruption to caseflow management.</li> <li>• Court filings are basically brought to a standstill.</li> </ul>
Legal aid	<ul style="list-style-type: none"> <li>• Filings are sometimes delayed.</li> <li>• None of consequence.</li> <li>• The court closures fall on the day we have the domestic violence restraining order calendar. This means that the weekly calendar for the week before is enormous and many people do not have enough time before the commissioner.</li> <li>• Very disruptive to the jurors.</li> </ul>
Probate and guardianship	<ul style="list-style-type: none"> <li>• Conservatorships and guardianships are being delayed due to court closures.</li> <li>• No significant impact.</li> </ul>
Sheriff	<ul style="list-style-type: none"> <li>• Some prison packets were not completed and the sheriff's office had to hold the inmate for an extra week before transport.</li> <li>• All sheriff personnel had to be redirected to perform other than regularly assigned duties of the court.</li> <li>• Minimal impact.</li> <li>• Some busier days following closure dates causing some overtime expenditures.</li> <li>• No significant impact. The court security deputies are assigned to</li> </ul>

	<p>other law enforcement duties on the court closure days: training, specialized enforcement details, corrections, etc.</p> <ul style="list-style-type: none"> <li>• The impact we have seen is similar to after a weekend.</li> <li>• Inmate movement was hampered due to the increased number of in-custody inmates.</li> <li>• The impact is having to schedule alternative work for those who have contracts to work those days and cannot be mandated to take the day off just because the courts are closed.</li> </ul>
Other law enforcement	<ul style="list-style-type: none"> <li>• There has been no measurable negative impact. On a positive note, the closure days have provided “catch up” time for probation staff who would otherwise be in court or preparing items for court on those days.</li> <li>• One-day delay in processing/filing probation violations.</li> </ul>
	<ul style="list-style-type: none"> <li>•</li> </ul>

The Judicial Council’s Criminal Law Advisory Committee met on November 6, 2009, and discussed the impact of the closures on criminal proceedings and the rights of criminal defendants, including the rights of in-custody defendants awaiting arraignment under Penal Code section 825. The committee observed that although courts are closed on the monthly closure day, most of our justice system partners are open and doing business as usual. The committee observed that all justice system partners have both the opportunity and incentive to expedite criminal matters as soon as possible following a closure day. Committee members unanimously agree that the monthly court closures have had no significant effect on the timely processing of criminal matters.

*Selection of Wednesday as the court closure day*

The survey asked courts to address the impacts attributable to the court closure day being on a Wednesday, as opposed to any other day of the week. The survey responses demonstrate that whatever day of the month was selected would have been problematic for some courts and some justice partners. Many trial court respondents disagreed with the council’s selection of Wednesday as the closure day. Some courts reported that Wednesday is the court’s busiest day. Others said the opposite. Some courts mentioned that Fridays are typically the lightest court days, and thus Friday should have been selected, though courts offering other alternatives tended to suggest that either Monday or Friday would have been optimal. Other courts said Mondays were among the least preferred days. Several courts reported that they conduct certain calendars only one day each week (e.g., child support or probate) and if that day is a Wednesday, Wednesday is not a good day for the closure. Some courts reported that Wednesday was the best day to select or otherwise reported that the particular day of the week did not make a significant difference. Other courts commented that the midweek closure was very disruptive to the flow of work and troublesome in that it was not consistent with closure days in the county.

Justice system partners were similarly of mixed views. Whereas some courts indicated that Wednesday was not optimal because it is the heaviest arraignment day for in-custody defendants arrested over the weekend, two sheriffs commented that the selection of Monday or Friday would have caused significant problems because those are the highest traffic in-custody arraignment days, and another law enforcement respondent indicated that “the selection of Wednesday has been helpful in preventing a buildup of in-custody minors waiting for detention hearings that we anticipated would occur if a Monday or Friday had been selected.”

Some courts start jury trials on Wednesday, hold misdemeanor trials on Wednesday, or have self-help centers open only on Tuesday and Wednesday, making the selection of Wednesday very difficult for those courts. For other courts, other days would be equally problematic, depending on their situations.

Courts raised particular concerns about the impact of a midweek closure on jury trials and jurors. However, most civil attorneys responding to the justice partner survey reported no real impact, and one of the 14 responded that Wednesdays were the best day to select. The criminal defense bar was split, with half reporting that the Wednesday closure imposed no impact or a minimal impact, or that Wednesday was in fact a good day for the closure. Others found Wednesday closures very disruptive. However, none reported that Wednesday in particular affected the amount of time in-custody defendants were being detained before arraignment, a concern raised before the closures began. District attorneys more uniformly reported concern over the selection of Wednesday, noting the severe interruption of jury trials due to a midweek closure. However, one district attorney reported that a Wednesday closure “probably results in the least waste.”

A couple of courts mentioned that Wednesday closures negatively affect their ability to get assigned judges because judges assigned to a remote court are not willing to pay for lodging to stay over on a Wednesday to conclude a trial that started earlier in the week.

In short, it appears that local calendaring and scheduling issues make Wednesday a good day for some courts and justice partners and a bad or neutral day for others.

#### *Value of statewide uniformity*

The survey asked respondents to “describe the impacts to your court of the decision to have a single, uniform court closure day statewide, including the advantages and disadvantages of a uniform court closure day on your court, as opposed to having court closures decided locally by each court.” The overwhelming response (more than 2.5:1) favored statewide uniformity, noting that it would be more confusing for users if courts closed on different days. One court noted that “it is predictable for those court users who have business in multiple jurisdictions, as well as justice system partners.” One court reported that “the uniform, systemwide court closure day was the best alternative, without

question. From the public’s perspective and for the orderly transacting of court business, it is preferable for all courts to be closed on the same day.” Courts reported that the uniformity made the delivery of the message to the public easier, prevented confusion among court users, and helped take some of the pressure and fallout off of the local courts. One court commented that the uniformity helped the parties and the court adjust their respective calendars and that leaving the decision to each court would make scheduling an “overwhelming challenge.” Several courts favoring statewide uniformity did express dissatisfaction with the day of the week selected, but nonetheless believed that court closures should be uniform.

Ten courts reported no or little advantage to closures being uniform statewide. One court noted that “no advantage to a single statewide closure day is apparent in actual practice. Local control is the fundamental principle of the trial court structure and it should be maintained in this situation.” Other courts noted that a downside to statewide uniformity is the lack of ability to better coordinate closure days with local agencies and justice system partners. Two courts noted that since their financial positions were sufficiently stable, they could absorb the budget reductions without a closure, so the mandatory closure negatively affected court operations and public access unnecessarily. Another court noted that “the local court has the best perspective on how to manage the budget and workload issues” and “a better idea of days . . . that provide the least impact to the public and the adjudication process.”

The Superior Court of Riverside County offered a middle ground, asserting that the decision of whether to close should be a local court decision but that the state should mandate that all courts that choose to close must do so on the same day. The court noted that lawyers would be able to keep track of whether or not a court is one that closes; the greatest confusion would be if courts closed on different days of the month.

Justice system partners generally concurred that if courts must close one day a month, it is best for the day to be uniform statewide. Dependency counsel and CASA respondents more heavily favored local decisionmaking over the closure day than any other group of respondents (including court employees). All civil plaintiff or defense attorneys who responded believed statewide uniformity was the better approach. Nearly all district attorney and criminal defense attorney respondents supported statewide decisionmaking on the day selected for the closure.

#### *Impact on Supreme Court and Courts of Appeal*

The Supreme Court and Courts of Appeal reported considerably less impact on court operations or calendaring. The Courts of Appeal responded that the amount of mail needing to be processed on the day after a court closure day is double the typical amount, contributing to a backlog of work. Additionally, if the court closure day falls in a week when oral argument is scheduled, calendars for the days surrounding the closure day are likely to be heavier, which could affect timely resolution of cases. The Courts of Appeal

reported some confusion and inconvenience to users. The selection of Wednesday as the court closure day was not seen as problematic, and one-third believed that it was the best day to select. Five out of six districts favored statewide uniformity as opposed to allowing each court to determine whether and how to close court or furlough employees. In the Supreme Court, all employees are furloughed, but on a day selected by the employee and his or her supervisor. The court is closed to the public on the court closure day, but other regular business activities continue. The impact of the closures was reported as minimal, but primarily because employee furloughs were rolling throughout the month and not isolated to the court closure day. Had all employees been furloughed on the closure day, it is anticipated that there would have been a significant effect on the workflow.

Justice system partners surveyed generally concurred. Fifteen of 18 appellate counsel responding to the survey noted no or minimal impact from the court closures on their work. None reported any specific effect with the selection of Wednesday as the closure day, and all agreed that a uniform statewide closure day was the correct approach. Appellate counsel, perhaps more than any other group, reported doing business in multiple courts on a routine basis and suggested that absence of uniformity would “potentially create a somewhat chaotic situation.”

Of particular note, one appellate counsel responding to the survey made the following comment: “I can’t help but be struck by the fact that judges, court staff, and other judicial branch employees are alone bearing the financial burden of the budget cuts. I wish that we in the private bar were asked (or better yet, mandated) to share the pain and to make a financial contribution to keep the judicial branch functioning.”

#### *Budget reduction actions in addition to court closures*

Courts were also surveyed about actions taken in addition to closures, furloughs, and negotiated reductions to security memoranda of understanding (MOUs) to assist in absorbing the budget reductions. Courts were asked about hiring freezes, layoffs, reductions in counter hours, elimination of court calendars, and closures of courtrooms and courthouses. At least one court reported that actions it had been forced to take, specifically a significant reduction in force, had a substantially greater impact on court users and court operations than the monthly closures. In a brief summary of the actions taken by trial courts, out of 35 courts:

- 30 courts indicated that they had hiring freezes in place in 2009–2010;
- 9 courts reported having done layoffs, with an additional 7 reporting possible future layoffs;
- 12 courts had reduced counter hours, and an additional 15 courts are contemplating reducing counter hours at some point during the fiscal year;

- 9 courts reported having closed some courtrooms in addition to the court closure day, and 5 courts reported closing one or more courthouses; 8 courts may have to close courtrooms as the year continues, and 5 more courts are considering closing courthouses;
- 5 courts eliminated or postponed planned step increases, and 22 courts reported having eliminated or reduced cost of living adjustments for some or all employees.

All of these actions (with the possible exception of those relating to salary adjustments) are reported as having a significant effect on access to the courts. To the extent courts reported significant impacts from the closures, those impacts are without doubt the result not just of closures, but of the combination of all actions taken to respond to the budget reductions. For example, not filling positions or laying off staff has been reported by some as having the following effects:

- Allowing only two possible weeks per month when trials can be set;
- Growing backlogs in the processing of court documents, particularly in the criminal and family divisions;
- Increased error rates due to stress;
- Restrictions on vacation usage;
- Not having sufficient staff to clerk criminal trials, resulting in an increasing backlog and a possibility that cases will have to be dismissed in the spring because there is not enough staff to clerk the trials;
- Records searches are weeks behind;
- Elimination of certain calendars and programs, such as records destruction and community outreach; delay in processing protective orders; serious employee morale issues and a sharp decrease in productivity; and
- Possible suspension of programs that are not seen as core to the mission, such as specialty courts, self-help center, custody evaluations, etc.

At least one court reported that actions it had been forced to take, specifically a significant reduction in force due to attrition and a hiring freeze, had a substantially greater impact on court users and court operations than the monthly closures.

#### Alternative Actions Considered

As discussed in the report to the Judicial Council dated July 29, 2009, that recommended the closures, Government Code section 68106 authorizes only a statewide closure of all courts on a single day each month. It does not authorize some courts to close and others to remain open, or for different days of the month to be selected locally or regionally. The alternative actions were considered with this limitation in mind.

*Cancel closures for the remainder of the fiscal year*

The council could cancel the closures for the remainder of the fiscal year, although with courts having scheduled hearings for several months in advance and negotiated furloughs, it would probably take time before such a directive could become effective, resulting in the closures continuing through March or April. The AOC rejected this alternative because a number of courts rely on the closures and associated activities to absorb the budget reductions and would have no sufficient alternative to achieve the necessary level of savings. For the seven months of closures from December 2009 through June 2010, it was estimated that between the superior courts, Courts of Appeal, Supreme Court, and the AOC, an additional \$45 million in savings could be achieved. The likely result of requiring courts to absorb this additional \$45 million without statewide closures would be widely divergent practices statewide.

#### *Direct limited closures in lieu of the statewide closures*

The Judicial Council could cancel the closures for the remainder of the fiscal year and instead direct limited closures on the statewide court closure day. Under this approach, courts would remain open for arraignments, emergency orders, issuance of restraining orders, and other matters of the utmost urgency. Some security savings could still be achieved, although more security would be required than with the complete closures currently in place. Additionally, courts needing to furlough employees would be able to furlough much of the staff on the day of the limited closure and implement rolling furloughs, if necessary, for those staff needed at work on the limited closure days. The AOC considered suggesting that the limited closure day be moved from Wednesday to Friday. However, courts already have made significant calendar adjustments to accommodate the closures on Wednesdays and have scheduled many hearings and trials assuming closure on the third Wednesday of the month. At least one court reported in response to the survey that although Wednesday was not the ideal day, switching at this point would be more difficult. The AOC rejected this alternative because keeping the courts closed for civil, family, probate, and nonemergency criminal matters but switching the day of the closure would create substantial scheduling challenges and lead to considerable public confusion. Additionally, only the statewide closure authorized by Government Code section 68106 is treated as a court holiday for the transaction of judicial business, and there would be confusion regarding the computation of time for filings, the conduct of hearings, and other judicial business for the rest of the fiscal year. This could potentially cause missed deadlines and result in the denial of justice.

#### Comments From Interested Parties

The Rationale for Recommendation section of this report sets forth in detail survey responses and comments received from courts and justice system partners on the impacts of the court closure.



### Implementation Requirements and Costs

Failure to adopt the recommendation to continue the closures for the remainder of the fiscal year would result in \$45 million of fiscal year 2009–2010 budget reductions that would need to be absorbed within existing resources.

Attachments

## Principles for Development of a Limited Court Closure Plan

1. Each court shall be responsible for determining whether local circumstances require the court to close.
2. All courts electing to implement limited closures must do so on the same day statewide to provide for uniformity and consistency for justice system partners and court users.
3. Courts must remain open to conduct arraignments of in-custody defendants.
4. Courts must remain open to issue domestic violence, juvenile, elder abuse, civil harassment or workplace violence restraining or protective orders involving stalking, violence, or threats of violence.
5. Courts must be open for the conduct of business set forth in subdivision (a) of section 134 of the Code of Civil Procedure.
6. Courts must have judicial officers available for the signing of any necessary documents on an emergency basis to the same extent that the court has judicial officers available on Saturdays, Sundays, judicial holidays, and any other time the court is closed.
7. Consideration shall be given to what other critical matters courts must uniformly be open to address during a limited closure day.
8. With the goal of minimizing the impact on court users and courts operations, consideration should be given to whether *dates* on which court calendars are typically lighter (e.g., Christmas Eve, the Friday before Labor Day) should be selected for the statewide limited closure days in lieu of standardized calendar *days* (e.g., the third Wednesday of the month).
9. Courts shall be responsible for complying with all time deadlines required by law, whether for computation of time for filing, conduct of hearings, or otherwise. Consideration shall be given concerning whether legislation can and should be sought to provide that limited closures on the selected day shall be treated as a holiday for purposes of performing any act requiring the transaction of judicial business as provided for statewide closures under Government Code section 68106(b)(1).

**Table 1A: Cost Reductions From Statewide Court Closure Days – Trial Courts**

Estimates as of 12/29/09

	<b>Salary and Benefit Savings</b>	<b>Security Savings</b>	<b>Utilities Savings</b>	<b>Other Savings<sup>1</sup></b>	<b>Judicial Salary Savings – VSW<sup>2</sup></b>	<b>Judicial Salary Savings – Court Donations<sup>3</sup></b>	<b>Judicial Retirement Contribution<sup>4</sup></b>	<b>Total</b>
Initial Full-Year Estimate <sup>5</sup> (12 closure days)	69,787,980	23,298,250	18,782	-	9,336,632	-	-	<b>102,441,643</b>
Initial Partial-Year Estimate <sup>5</sup> (10 closure days)	58,156,650	19,415,208	15,651	-	7,780,526	-	-	<b>85,368,036</b>
Actual Reported Savings by Courts (3 closure days, September–November 2009)	10,358,845	3,315,493	1,086	238,386	1,544,429	1,699,439	(123,508)	<b>15,458,239</b>
Projected Court Cost Savings (7 closure days, December 2009 through June 2010)	25,923,248	8,064,181	2,618	627,459	3,603,667	3,965,358	(288,186)	<b>38,221,172</b>
<b>Total Estimated Court Cost Reductions and Judicial Salary Savings From Statewide Closures for Entire Fiscal Year</b>	<b>36,282,092</b>	<b>11,397,674</b>	<b>3,704</b>	<b>865,845</b>	<b>5,148,095</b>	<b>5,664,797</b>	<b>(411,694)</b>	<b>53,679,411</b>

<sup>1</sup>. Includes savings related to juror per diems, interpreters and other contractors, and other operating savings.

<sup>2</sup>. Annual judicial salary amounts projected based on three-month actual reported waivers.

<sup>3</sup>. Donation amounts reflect amounts reported by courts in the Phoenix Financial System or in the Report of Direct Donations. Annual judicial salary amounts projected based on three-month actual reported donations.

<sup>4</sup>. Contribution from the Trial Court Trust Fund to supplement the reduced judicial retirement contribution due to salary waivers. This amount is a current estimate and a final adjustment will be made, as necessary, to ensure that judges' contributions, including any account earnings that would have accrued, are not impacted as a result of a judge's participation in the VSW program.

<sup>5</sup>. Initial estimates reflected assumptions of furloughs of all trial court staff, 4.6 percent reduction in of total security program expenditures, and 75 percent judicial participation in the Voluntary Salary Waiver (VSW) program. Actual cost reductions achieved in courts reflect local negotiations and discussions with local unions, negotiations with sheriffs' offices in development of the 2009–2010 security budget, and actual rates of judicial participation in the VSW program or local court donation programs.

**Table 1B: Cost Reductions From Furloughs on Nonstatewide Court Closure Days – Trial Courts**

Estimates as of 12/29/09

	<b>Salary and Benefit Savings</b>	<b>Other Savings</b>	<b>Total</b>
Actual Reported Savings by Courts (July–November 2009)	4,778,911	92,936	<b>4,871,847</b>
Projected Court Cost Savings (December 2009 through June 2010)	3,100,442	26,499	<b>3,126,941</b>
Total Estimated Court Cost Reductions for Entire Fiscal Year	<b>7,879,354</b>	<b>119,435</b>	<b>7,998,789</b>

**Table 2: Cost Reductions From Statewide Court Closure Days – Supreme Court, Courts of Appeal, AOC**  
 Estimates as of 12/29/09

	<b>Salary and Benefit Savings</b>	<b>Security Savings</b>	<b>Utilities Savings</b>	<b>Other Operating Savings</b>	<b>Judicial Salary Savings – VSW<sup>1</sup></b>	<b>Judicial Salary Savings – Court Donations<sup>2</sup></b>	<b>Judicial Retirement Contribution<sup>4</sup></b>	<b>Total</b>
Initial Full-Year Estimate <sup>3</sup> (12 closure days) Supreme Court, Courts of Appeal, AOC	9,375,583	65,321	23,197	-	764,568	-	-	<b>10,228,669</b>
Initial Partial-Year Estimate <sup>3</sup> (10 closure days)	7,812,986	54,434	19,331	-	637,140	-	-	<b>8,523,891</b>
Actual Reported Savings for Supreme Court, Courts of Appeal, and AOC (3 closure days, September–November 2009)	2,657,884	16,404	4,957	-	224,820	4,651	(17,986)	<b>2,904,065</b>
Projected Cost Savings (7 closure days, December 2009 through June 2010)	6,201,729	19,326	13,874	-	526,414	10,852	(41,967)	<b>6,761,343</b>
<b>Total Estimated Cost Reductions and Judicial Salary Savings From Statewide Closures for Entire Fiscal Year</b>	<b>8,859,613</b>	<b>35,730</b>	<b>18,831</b>	<b>-</b>	<b>751,234</b>	<b>15,503</b>	<b>(59,953)</b>	<b>9,665,408</b>

<sup>1</sup> Annual judicial salary savings waiver amount based on one month actual expenditures and assumes 75 percent judicial participation.

<sup>2</sup> Donation amounts reflect amounts reported by courts in the Oracle Financial System and do not reflect any donations made by justices to funds not administered by courts. Projected cost savings (7 closure days) assumes justices will continue to donate consistent with three months of actual reported donations.

<sup>3</sup> Initial estimates reflected assumptions of furloughs of all staff in courts, average daily rate based on actual security expenditures (including CHP), and 75 percent judicial participation in the Voluntary Salary Waiver (VSW) program.

<sup>4</sup> Contribution from the General Fund to supplement the reduced judicial retirement contribution due to salary waivers. This amount is a current estimate and a final adjustment will be made, as necessary, to ensure that justices' contributions, including any account earnings that would have accrued, are not impacted as a result of a justice's participation in the VSW program.