

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Trial Courts: Small Claims Sessions Outside of Normal Business Hours	Review and submit comments by October 5, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amendment of Code of Civil Procedure (CCP) section 116.250(b)	January 1, 2020
Proposed by	Contact
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Executive Summary and Origin

The Court Executives Advisory Committee (CEAC) recommends that Code of Civil Procedure (CCP) section 116.250(b)¹ be amended to make it optional for courts to conduct small claims sessions at night or on Saturdays. Currently, CCP 116.250(b) requires each small claims division of a superior court with seven or more judicial officers to conduct at least one night session or Saturday session each month for the purpose of hearing small claims cases other than small claims appeals. Based on an informal survey of the California Trial Court Consortium courts, there appears to be extremely low demand for night courts.

The Proposal

The Court Executives Advisory Committee recommends that the language in CCP section 116.250(b) is amended to read:

¹ Attachment [A]: California Code of Civil Procedure, Section 116.250B

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

“Each small claim division of a superior court ~~with seven or more judicial officers shall~~ **may** conduct at least one night court or Saturday session each month for the purpose of hearing small claims cases other than small claims appeals.”

Analysis/Rationale

This amendment would allow the courts flexibility to determine the need for night or Saturday court and implement policies for these sessions as needed at the local level. A unilateral policy for these sessions does not consider the variances in different jurisdictions and could require a court to hold an unnecessary session outside of normal business hours.

CEAC believes that the decision to hold these sessions outside of normal business hours should be based on the need within each jurisdiction. Amending the statute to state “may conduct” rather than “shall conduct” provides the courts with the ability to determine whether these sessions would benefit the public in their jurisdiction.

Alternatives Considered

CEAC considered not amending CCP section 116.250(b), but members felt it was important to allow the courts the flexibility to operate on an as needed basis. The members agreed that requiring night and weekend sessions without considering if those sessions would be beneficial to the public was operationally inefficient. The members also agreed that night and weekend sessions can be useful and wanted to specify that they may be offered rather than removing the reference altogether in section 116.250(b).

Implementation Requirements, Costs, and Operational Impacts

CEAC believes that this amendment will not cause any negative fiscal or operational impacts. The amendment would allow courts to offer night and weekend sessions as needed and would therefore have a positive operational impact on the courts.

Attachments and Links

1. Attachment [A]: California Code of Civil Procedure, Section 116.250B

Section 116.250(b) of the Code of Civil Procedure would be amended, effective January 1, 2020, to read:

1 **Civil Code, § 116.250.**

2 **(a) Sessions of the small claims court may be scheduled at any time and on any day,**
3 **Including Saturdays, but excluding other judicial holidays.**

4 **(b) Each small claims division of a superior court ~~with seven or more judicial~~**
5 **~~officers shall~~ *may* conduct at least one night session or Saturday session each month for**
6 **the purpose of hearing small claims cases other than small claims appeals. The term**
7 **“session includes” but is not limited to, a proceeding conducted by a member of the**
8 **State Bar acting as a mediator or referee.**