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## Legal Alert 2013 No. 1: Closures and changes in Los Angeles County Superior Courts

Despite the passage of Proposition 30, the Los Angeles County Court system continues to operate under substantial fiscal constraints. As a result, the court system has announced several major changes. These changes are expected to be implemented over six months beginning in January of 2013, and completed by June of 2013. The situation remains in a state of flux and further adjustments may occur.

Our firm has attended various bar association meetings and meetings with Superior Court Judges in an effort to provide our clients with updated information. This Client Alert summarizes the anticipated changes and their effects on litigants.

### Court Closures

Ten courthouses are scheduled to be closed:

- 1) Huntington Park, 6548 Miles Avenue, Huntington Park, CA 90255
- 2) Whittier, 7339 Painter Avenue, Whittier, CA 90602
- 3) Pomona North, 350 West Mission Boulevard, Pomona, CA 91766
- 4) Malibu, 23525 Civic Center Way, Malibu, CA 90265
- 5) West Los Angeles, 1633 Purdue Avenue, Los Angeles, CA 90025
- 6) Beverly Hills, 9355 Burton Way, Beverly Hills, CA 90210
- 7) San Pedro, 505 South Centre Street, San Pedro, CA 90731
- 8) Beacon Street, 638 South Beacon Street, San Pedro, CA 90731
- 9) Catalina, 215 Sumner Avenue, Avalon, CA 90704
- 10) Kenyon Juvenile Justice Center, 7625 South Central Avenue, Los Angeles, CA 90001

#### Case Assignments

All **Personal Injury Cases** ("PI") (including wrongful death and medical malpractice) will be filed in the downtown Los Angeles Courthouse also known as the Stanley Mosk Courthouse ("Mosk") and will be assigned to one of two Master Calendar ("MC") courtrooms. Each MC Judge is expected to have as many as 8,000 cases at any one time.

There will be almost no MC Courtrooms in the districts. A PI case will be in the district only if the MC Court determines (at the request of a party) it should be transferred to an Independent Calendar ("IC") Court in the district because the case will be too "appearance-heavy" for an MC courtroom, but does not qualify for Complex designation. It is expected that about 10% of PI cases will be transferred to IC courts.

Trials (if the Complaint is timely served and if Notice of the Trial and Final Status Conference was timely and properly given) will be assigned to one of the dedicated TRIAL courtrooms (10 downtown in the Mosk courthouse, plus others spread around the County). Parties may or may not get trial downtown in the Mosk courthouse and will not know until the day of trial where the case will be sent for trial. The Court has not determined whether any changes will be made as to those PI cases that are currently pending before IC Judges.

**Insurance Bad Faith and Wrongful Termination/Discrimination/Harassment Cases** are NOT considered PI cases, and thus will remain in IC courts or in complex.

All **Collections Cases** will now be handled out of two Master Calendar departments, one in Norwalk and one in Chatsworth. Collection trials will be spread around the County.

All **Non-Collection Limited Jurisdiction Cases**, including limited jurisdiction PI cases, will be handled by two Master Calendar Courts downtown in the Mosk courthouse (limited jurisdiction cases in the North District – Antelope Valley – are expected to stay there, although all PI cases will be sent downtown to the Mosk courthouse). These will be different MC Courts from the general jurisdiction Personal Injury MC Courts. Trials of limited jurisdiction PI cases will be spread across the County.

All **Civil Harassment** cases will go to Family Courts.

All **Probate** cases will be downtown in the Mosk courthouse (closing 7 to 9 branch probate courts); however, a bench officer may travel to conduct some guardianship or conservatorship hearings in some branches.

All **Small Claims** will be heard only in six Courthouses (Lancaster, Mosk, Alhambra [for the entire Eastern part of the County], Van Nuys (north), Norwalk, and Inglewood).

**Unlawful Detainers** will be heard only in four Courthouses (Mosk, Santa Monica, Long Beach, and Pasadena).

#### Discontinued and Modified Court Services

There will be **NO Court-provided Court Reporters for Civil matters**. Parties will have to arrange for—and pay for—court reporters for all civil law and motion and all civil trials. The Court will likely retain Court Reporters for some types of matters such as Family law. Essentially, the cost of court reporters has been passed on directly to the parties, increasing the costs of litigation for litigants.

The Temporary Judge (Judge Pro Tem) and all court-run ADR (e.g., mediation) programs will be discontinued. At times we have been able to utilize court run ADR programs at low or no cost to the parties. Pursuant to these changes, all mediation will be on a private pay basis.

Further reductions in Courtrooms will occur, as will further reductions in Courtroom staff.

One court liaison (bailiff) will serve two to three Courtrooms—so the Courtroom will have only a Judge or Commissioner and a clerk most of the time.

Complex Civil West will still operate as it now does; all **Complex Cases, Asbestos Exposure Cases, and Class Actions** will be handled there as they are now. However, the Court is considering certain operational changes to endeavor to eliminate the volume of paper that must be processed in the Complex Cases.

Settlement Courts will be maintained in the current numbers in the Districts, including seven downtown. Specific locations not yet determined.

#### **Impact on Litigation**

At present, civil cases take one to one and a half years on average to get to trial under the California “Fast Track” Rules. Court closures would likely mean a return to the “bad old days” before the Trial Court Delay Reduction Act, when cases typically took five years to get to trial and many courts had large backlogs of civil cases.

Plaintiffs will suffer because they will have to wait that much longer for resolution of their claims and to collect their judgments. So the claimant who was defrauded out of their life savings will have to wait five years or more instead of one year to get their money back. The employee who was sexually harassed or wrongfully terminated will have to live without closure and have to relive painful experiences for five years instead of one year. Meanwhile, memories will fade, documents will disappear, witnesses will move residences or change their minds about testifying, etc., making it harder to get and keep the evidence needed to prove their case.

Defendants will suffer because they will have litigation hanging over them for that much longer. If a frivolous or baseless lawsuit is filed, they will have to wait longer to clear their names. The lawsuit will remain a distraction from doing business for a longer period of time. The number of lawsuits will pile up for larger corporate defendants and public entities, making harder the tasks of managing them and of forecasting how much money will be needed in their litigation funds to make any potential payouts. Businesses looking for financing or strategic partners will need to disclose a growing list of unresolved and unwelcome pending or threatened litigation to potential investors and partners. In short, the uncertainty introduced by protracted litigation will mean the business environment itself will become more uncertain.

Both parties will also suffer because they will have to travel to more distant courthouses and, after having trekked there, will more frequently be told to come back again later due to delays caused by a reduced court staff dealing with increased case backlogs. They will also probably have to wait longer for courts to issue decisions.

In short, the cuts are expected to delay some trials, cause longer lines and result in more layoffs, but officials said it was the only option for dealing with the fact that the state’s budget crisis has resulted in a reduction to the California judicial branch of \$652 million. The Court has managed its share of these cuts by spending down year-end fund balances, freezing wages, furloughing court staff, and eliminating staff positions, achieving \$70 million in ongoing savings as of last fiscal year. This year, the state cuts are forcing courts to reduce spending by an additional \$30 million — on top of the \$70 million in reductions already made.

The fallout of these court closures is yet to be seen; however, the attorneys of Larson & Gaston, LLP are committed to working with the firm’s clients to minimize the effects of these closures.