

The National Center For State Courts

MARCH 2023

Alternative Court Hours Toolkit



Acknowledgments

This report was made possible with the support of the Pew Charitable Trusts, and the input and collaboration of the National Center for State Courts' Access Consulting team.

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Suggested Citation:

A. Wirkus, Z. Zarnow. *Alternative Court Hours Toolkit*.
[Williamsburg, VA: National Center for State Courts, 2023]

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Overview: Alternative Hours of Operation & Access to Justice

The Covid-19 Pandemic taught courts that new ways of providing services, such as virtually, can aid in expanding access to the courts. As courts continue to expand access to services, they should consider providing alternative hours of operation.

Alternative court hours are times outside of the traditional 8:00 am to 5:00 pm in which services are offered. This can include weeknights, early mornings, and weekends. Alternative service hours can offer courts a variety of benefits, such as reducing their backlog, keeping up on arraignments, and improving public trust and confidence in the courts. Extended hours also benefit court users, by providing flexible scheduling and reducing the amount of time that their case is in the system.

Goals & Objectives

- 1. Explanations of the benefits of alternative hours of operation to courts and court users,**
- 2. Guidance and information about the hurdles to providing alternative hours, and**
- 3. Examples of courts that are already providing alternative hours.**



Benefits of Alternative Hours to Both Courts & Court Users

1. Benefits of Alternative Hours to Courts
2. Benefits of Alternative Hours to Court Users

Benefits of Alternative Hours to Courts



Many courts struggle to keep up with the demanding schedule of their dockets, and experience high rates of failures to appear and defaults which leads to continuances and rescheduling. Providing alternative hours of service is one way to deal with these issues, as well as the backlog that has only increased because of the Covid-19 Pandemic. Additionally, arrested individuals are generally supposed to have their initial arraignments for criminal matters within 72 hours of being taken into custody. Providing alternative service hours allows courts to process arraignments quicker, while still affording an individual due process. Offering alternative hours of service demonstrates a willingness by the courts to be adaptable to individual needs and could build trust and confidence in the judicial system.

Decreasing Case Backlog

Manhattan night court is one of the best-known examples of a court providing alternative hours of service because of the TV drama series “Night Court.” The court handles an average of 70-90 cases each night between 5 PM and 1 AM. That is nearly one-third of all cases heard in the borough of Manhattan alone. [1] The operation of this alternative service model has become essential for the city to keep up with its case flow.

Milwaukee County, Wisconsin recently applied for Covid relief funds for alternative hours of operation, which is aimed at easing its backlog of criminal cases. The funding would be used to cover the costs of operations such as overtime pay for staff. Roughly 1,700 criminal and 3,000 misdemeanor cases are stuck in the system, and even with night court, it is estimated that it will take about a year and a half to alleviate the backlog. [2]



Cook County, Illinois has had an operational drug court after hours since the 1970s. Findings from this program have shown that it reduces the processing times of narcotic-related crimes. [3] The court has taken careful steps to ensure efficiency and timeliness by providing the proper staffing, as well as expertise, for this program.

Providing Speedier Arraignments

Providing alternative court hours in criminal courts allows them to process arraignments quicker, which ensures that courts meet their due process obligations. Criminal court alternative hours have been used almost exclusively for “preliminary court proceedings—like arraignments, where people who have been arrested hear their charges in court and can submit their plea.” [4]. This allows courts to process matters that can clog the system during the day in a more timely manner. It also reduces the number of people in jail waiting for arraignment.




Improving Public Perception

Each year, the National Center for State Courts conducts a survey on “The State of State Courts,” in which they survey registered voters about their perceptions of the courts. [5] The data from the 2022 poll shows that state courts have reached an all-time low in positive public perception with only 60% of respondents saying they have confidence in the State Courts. In the poll, only 43% of individuals believe that courts are providing equal justice to all, with only 30% of black respondents saying courts provide equal justice. [6]

**Only 33%
said
courts
were
innovative**

In the 2021 poll, when there was a 4% higher approval rating of courts, only 41% of respondents thought the courts provide good customer service and only 33% believed the courts were innovative. There was widespread concern about the accessibility of courts and the obstacles that people face in attending court. [7]



As the following section will demonstrate, by providing extended hours of service, courts can begin to address some of these concerns.

Benefits of Alternative Hours to Court Users



Alternative hours of court operation allow individuals greater flexibility to resolve their legal issues. “At its essence, [alternative court hours] is an accommodation for people who don’t have the time or resources to attend court during the day as well as a way for courts in large cities to get through preliminary court proceedings faster.” [\[8\]](#) Providing alternative hours of service gives court users the ability to appear without having to arrange childcare or take time off work and gives them the ability to deal with sensitive issues when fewer people in the community might notice. It can also help reduce the amount of time that an individual’s case spends in the system, which researchers in North Carolina have found may be linked to appearance rates. [\[9\]](#)

Providing Flexibility to the Average American

For many Americans, the demands of work, childcare, and household activities make it extremely difficult to go to court. The Bureau of Labor Statistics in their “American Time Use Survey” found that 68% of employed persons did some or all their work at their workplace and that they did so for an average of 7.8 hours a day (which does not include commute time). On average, people spent 2.7 hours on household activities such as housework, cooking, lawn care, household management, laundry, and cleaning. For households with children, depending on the age of the child, adults spent about 2 hours on primary childcare, 1.2 hours on physical care, and 5.5 hours of secondary childcare per day. [10] This leaves very little time for much else, let alone lengthy court proceedings.

Respondents to the NCSC State of the State Courts poll expressed widespread concern about court accessibility and reported various obstacles to appearing. They reported that the following factors were obstacles: the distance to travel to the courthouse (49%); getting time off work or school to go to the courthouse (41%); transportation issues (30%); a physical handicap or disability making it difficult (23%); and finding childcare for the time they needed to be at the courthouse (22%). [11]



Courts can eliminate barriers and ensure that all individuals have an equal chance of accessing court services by providing service hours before or after work or on the weekends.

Reducing Failures to Appear & Defaults

In a recent publication evaluating the North Carolina Court Appearance Project, researchers found that increased public access to courts, in general, reduced failures to appear and defaults. [12] One of the major reasons for this is that it can reduce case processing times, which means fewer times that a person must go to court.



Several courts in California have provided expanded court service hours, including traffic courts, small claims courts, and criminal courts. The Judicial Council of California found that in traffic court, where most matters are simple to resolve, positive results included reduced failures to appear and defaults, as well as greater public engagement. After their evaluation, they recommended that where possible, courts should institute evening and weekend sessions. [13]

Expanding Procedural Fairness & Personal Choice

Arrested individuals who cannot bond out must wait in jail to be arraigned, where they formally hear the charges against them and enter a plea. By providing arraignments and other preliminary hearings during extended hours, courts give people the opportunity to be released sooner and are less likely to run afoul of due process requirements.

Some courts, like Nassau County court on Long Island, are offering claimants who have their case processed during alternative service hours the option to choose if a judge or arbitrator decides their case. [\[14\]](#) If claimants opt for an arbitrator to hear their case, any information shared during the case is kept confidential. Additionally, having the proceeding at off hours allows for greater privacy going into the court, which may make people with domestic violence, assault, and other case types more likely to appear.



Guidance for Implementing Alternative hours



NCSC surveyed 22 jurisdictions to gather advice and best practices for implementing alternative service hours. This section synthesizes those lessons learned to help your court identify its goals and develop an implementation plan. The results come from two different surveys. The first survey was produced at the National Center for State Courts specifically about the implementation of expanded hours of service. There were five responses to this survey. The second survey was produced by the Conference of State Court Administrators (COSCA), which focused on after-hours orders and warrants. Seventeen of the responses examined came from this survey.

Logistical Considerations

Some common concerns about the logistics of providing alternative hours of service include approval, staffing, and pay. The overall theme of the answers to the survey was that it is much easier than you would expect to establish alternative hours of service.

Approval

Approval for alternative hour programs generally comes from the Court Administrator. Of the five courts surveyed about establishing these programs, three said that it was their Court Administrator that approved the plan, one said that it was their sheriff because they needed the approval to staff security, and one said they did not need approval. Of the four courts that needed approval, all four said that it was not difficult to get the necessary approval.



Staffing

All five of the five courts surveyed about establishing these programs said that it was not difficult to staff their programs. Two of the jurisdictions hired staff for alternative hours only. In their hiring process, they screened out individuals who would not work nights and weekends.



Pay

Staff who worked alternative hours were generally given regular pay and flex time. Two of the five jurisdictions offered overtime to their staff who worked alternative hours. In one of those two jurisdictions, they also allowed staff to work fewer regular hours if they worked alternative hours. Another solution was to staff remotely and have court staff provide their services and time at satellite locations.



Observations from Courts

Benefit to Courts

All five of the five courts surveyed about establishing these programs said that the court has benefited. Three respondents specifically listed reducing their backlog as a major benefit. Three stated that it reduced their processing times for cases, and one specifically mentioned the benefit it has had in providing emergency orders in a timely fashion. Two of the courts said that it has reduced volume in their courts during regular business hours, making it easier to assist court users in the courts at all hours. One of the courts also mentioned that they have seen a dramatic improvement in the hectic Monday morning rush at their courthouse because they do not have to make up for two days with no hearings or orders.

Benefit to Court Users

All five of the five courts surveyed about establishing these programs said that it has benefited court users. Four of the courts mentioned the expanded access to the courts, which allowed court users to access services they may have otherwise missed. Three of the courts specifically mentioned that court users were able to come to court without taking work off or missing work. One court specifically mentioned the ability of court users to take care of matters closer to home (this jurisdiction offers satellite court during alternative hours to reach more of their community). One court said that alternative hours have enabled court users to get emergency orders immediately.



Recommendations for Implementing Alternative Hours

The following recommendations are based on the survey responses and NCSC research into best practices.

1. **Create a Targeted Advertising Strategy**
2. **Consider Various Methods for Providing Alternative hours**
3. **Be Flexible & Adaptable with Your Program**

1. Create a Targeted Advertising Strategy

Most of the courts involved in the survey mentioned that one of their biggest problems was advertising their alternative hours to court users. By identifying a specific audience that you wish to target, you can create a marketing strategy to reach your desired users. For instance, if your jurisdiction only wants to provide alternative hours of operation for traffic court, you will want to consider where to make that known. Citations, the court webpage, and partnerships with the Department of Motor Vehicles, libraries, and local government buildings in your state may be a good place to start for this type of service. You may also consider creating a social media strategy to get information to the public.

Courts should be mindful of the way they utilize their web pages and should put information about alternative hours of service prominently on their sites. **Simply changing the hours of operation on your webpage is not enough.**



2. Consider Various Methods for Providing Alternative Hours

Alternative hours of service may look different than traditional hours of operation to have the biggest impact.

One of the courts in the survey “highly recommended” that alternative hours be provided by appointment only. By controlling the flow more strictly, they were able to make it mandatory for court users to have all materials pre-filed at least a week prior to their appearance date. Many other jurisdictions that provide alternative hours of operation simply offer these hours once or twice a month. Either of these options helps control the volume of work during alternative hours.

Another option that one of the courts recommended was to have staff do all the preliminary paperwork prior to the hearings so that there is less administrative work to be done during the alternative hours. This pre-work allows for alternative-hour courts to see a high volume of cases at hours when more court users are available.

A common strategy courts utilize, is to pick one type of case that has a particularly high volume in their jurisdiction and create alternative hours to meet that demand. These often include traffic matters or criminal procedural matters such as arraignments.



Several jurisdictions that offer alternative hours of operation have a dedicated judge presiding. By doing so they can focus the scope of matters heard and can create specific web content to advertise their program. Alternatively, one jurisdiction surveyed recommended rotating the judicial officers that conduct the hearings to ensure that the judge does not burn out or become too siloed in their court.


One of the jurisdictions surveyed provides alternative court hours in “satellite courts” where court staff goes out into various communities to provide their services. Courts can often reach underrepresented communities this way. By holding court closer to people’s homes at alternative hours, it becomes easier for people to make it to court before or after work, or on weekends.



3. Be Flexible and Adaptable with Your Program

Courts should be willing to try new programs, see what works, and build from there. As mentioned previously, one court that provides alternative hours of service bundles this with remote and satellite services to reach a broad range of court users. Being creative in the way court services are provided is at the core of providing alternative hours of operation and the innovation does not need to end at extended hours.

There is no “one-size-fits-all” solution to providing alternative hours of court operation. Each jurisdiction should carefully consider what they hope to accomplish, and how their program will help them with that, and then be flexible and adaptable as they learn what works and what does not.



The National Center for State Courts is dedicated to understanding and aiding in the implementation of these types of solutions in courts across the country. To learn more about these solutions, consider browsing our [library of informational videos](#) about court solutions, including one on [alternative court hours](#). NCSC has also created a [toolkit](#) and suite of materials on [remote hearings and services](#), as well as ongoing work looking at [appearance rates](#).

National Scan of Courts Offering Alternative Hours



Many states provide alternative court hours. This is a non-comprehensive list, meant to offer a representative sampling of the types of alternative service hour offerings that NCSC has identified in different types of courts around the country. The programs below are in **Alaska, California, Illinois, Indiana, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin.**

The court's website with information on these programs can be found in the Endnotes.

Alaska

The Anchorage, Alaska Court offers Domestic Violence court hours until 8 PM weekdays, and weekends Noon-8 PM. To schedule, you must call the Customer Service Division during regular business hours.

California

Many counties in California offer alternative hours for traffic court including Los Angeles, Sacramento, Kern, and San Diego counties. In some counties they offer extended hours from 5-7:30, while in San Diego they offer it the first Thursday of each month at 5 PM and go until they are finished.

Illinois

Cook County, Illinois now offers remote proceedings from 9 PM-3 AM on weekdays and 1 PM-6 PM Saturday and Sunday for civil emergency orders of protection. And they also offer drug court night court until 8 PM.

Indiana

Hamilton and Warrick counties in Indiana offer night court for traffic cases. And i.Miami County, Indiana offers night sessions on Tuesdays from 4-7 PM at the Miami Superior Court.

Missouri

The city of St. John, Missouri offers night court twice a month at the Municipal Court. And the city of Union Missouri offers night court twice a month in their municipal court starting at 6:30 PM and going until finished.

Nebraska

Lancaster County, Nebraska piloted night court sessions on six different Thursdays in 2022. It utilized a single courtroom with a different judge each Thursday.

New Jersey

The Passaic County, New Jersey Surrogate Court offers night court every Tuesday 5-7 PM unless it falls on a holiday.

New York

New York County, New York (Manhattan), offers evening small claims court from 6 PM-Midnight on Thursdays. And the village court of Northport, New York offers night court Mondays starting at 6 PM and going until finished.

Ohio

Mahoning County, Ohio offers night court for criminal and traffic court on Thursdays beginning at 4 PM and going until finished.

Pennsylvania

Westmoreland County Pennsylvania has night court from 4-10 PM where they hear preliminary arraignments on misdemeanor, felony, or domestic violence charges; and issue search and arrest warrants. And Dauphin County, Pennsylvania offers night court from a magisterial district judge.

South Carolina

South Carolina has multiple counties that offer bond court at 6 or 6:30 PM, going until finished.

Tennessee

Knoxville, Tennessee offers night court on Tuesdays and Thursdays starting at 5:30 PM and going until finished for Municipal court, primarily for traffic violations.

Texas

Houston Texas municipal courts offer night court from 4-10 PM weekdays. Collin County, Texas offers night court with Judge Raleeh at the Justice Court precinct 1. And the Kilgore municipal court offers night court on Monday evenings starting at 6 PM and going until finished.

Wisconsin

Milwaukee County is looking to use federal Covid relief funding to hold night court to ease the major backlog of criminal cases that are stuck in the system.

Endnotes

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<https://www.wisn.com/article/milwaukee-county-could-begin-holding-night-court-to-ease-backlog/39096530>
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<https://www.aetv.com/real-crime/what-happens-at-night-courts>
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6. https://www.ncsc.org/___data/assets/pdf_file/0033/85965/NCSC-State-of-the-State-Courts-Analysis_2022.pdf
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13. Commission on the Future of the California Courts. Justice in the Balance 2020, Page 63. Dec 1, 1993.
<https://www.courts.ca.gov/documents/2020.pdf>
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<https://www.aetv.com/real-crime/what-happens-at-night-courts>

National Scan Websites by State:

Alaska:

<https://courts.alaska.gov/courtdir/3an.htm>

California:

<https://www.saccourt.ca.gov/traffic/faq.aspx>;
[https://www.kern.courts.ca.gov/divisions/traffic-court](https://www.kern.courts.ca.gov/divisions/traffic-court;);

Endnotes

California Continued:

<https://www.sdcourt.ca.gov/sdcourt/traffic3/cas>

<https://www.lacourt.org/division/traffic/TR0017.aspx>

Illinois:

<https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Domestic-Violence>

<https://www.cookcountycourt.org/ABOUT-THE-COURT/Problem-Solving-Courts/Drug-Court-Treatment-Program>

Indiana:

<https://www.hamiltoncounty.in.gov/215/Traffic-Court>

<https://warrickcounty.gov/courts-clerk/clerks-office/>

<https://www.miamicountyin.gov/265/Superior-Court-I>

Missouri:

<https://www.cityofstjohn.org/153/Municipal-Court>

<https://www.cityofkilgore.com/232/Municipal-Court>

Nebraska:

<https://www.lancaster.ne.gov/384/Night-Court>

New Jersey:

<https://www.passaiccountynj.org/government/passaic-county-surrogate/night-court-hours>

Endnotes

New York:

<https://www.nycourts.gov/courts/1jd/>
<https://northportny.gov/person-category/court/>

Ohio:

<https://www.mahoningcountyoh.gov/240/Court-2---Boardman>

Pennsylvania:

<https://www.co.westmoreland.pa.us/573/Night-Court-Management>
https://www.dauphincounty.org/government/court_departments/magisterial_district_judges.php

South Carolina:

<https://www.sccourts.org/coronavirus/court-availability/>

Tennessee:

https://www.knoxvilletn.gov/government/city_departments_offices/city_court

Texas:

<https://www.houstontx.gov/courts/location-central.html>
<https://www.cityofkilgore.com/232/Municipal-Court>
https://www.collincountytexas.gov/justices_peace/jp1/Pages/nightcourt.aspx

Wisconsin:

<https://www.wisn.com/article/milwaukee-county-could-begin-holding-night-court-to-ease-backlog/390965306/696%>