



November 12, 2014

Mr. Roger Hernandez  
100 North Barranca Street, Suite 895  
West Covina, CA 91791

Re: **AB 1973, Native American Day**

Dear Mr. Hernandez,

I am writing to seek clarification and guidance regarding Native American Day as an official state holiday and whether or not it will remain a “judicial holiday”. As currently written, it appears that Native American Day should be considered a non-court day for purposes of scheduling hearings and computing the time required to perform certain actions pursuant to California state law.

If it was not intended to be a “judicial holiday”, we would have expected to see a change to California Code of Civil Procedure section 135, adding Native American Day to the exceptions listed there, like Admissions Day.

A few questions:

Can you verify whether or not Native American Day was intended to be a Judicial Holiday, and whether or not you think come January 1, 2015 it will be considered a judicial holiday?

Assuming it will be a judicial holiday, can you provide any guidance on how it will affect items already on the calendar, created before January 1, 2015? For example, a trial date noticed today but scheduled for Monday October 26, 2015 will cause many deadlines to be calendared 30 days prior, which is September 26, 2015, a Saturday. Certain rules require that when landing on a weekend or holiday the due date rolls backwards to the prior business day. If Native American Day is a judicial holiday, the previous business day would be Thursday, September 24th, instead of Friday September 25th. The question we need to answer is should we be calendaring this way now?

Thank you for your assistance in this very important area.

Sincerely,

G. Scott Davis, Esq.  
President, CalendarRules