Judicial Council of California Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 24, 2011

Title
Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report #4)

Agenda Item Type
Information Only

Date of Report
June 7, 2011

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Executive Summary

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature provided fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code.[1] The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website[2] and relay to the Legislature all such court notices. This is the fourth report providing information about the implementation of these notice requirements.[3] Since the first three reports, one more court, Siskiyou, has given such notice, which it issued on May 27, 2011. Another court, San Francisco, which issued notice of limited service on November 22, 2010, gave notice on May 9, 2011, of the continuation of the limited service.

[1] A copy of Government Code section 68106 is included as Attachment A to this report.
[2] The California Courts website is www.courts.ca.gov.
[3] The first report, dated December 3, 2010, can be found at http://www.courts.ca.gov/20101214govcode68106.pdf and was provided to the council at its December 14, 2010, business meeting. The second report, dated February 2, 2011, can be found at http://www.courts.ca.gov/infogovcode68106.pdf and was provided to the council at its February 25, 2011, business meeting. The third report, dated April 20, 2011, can be found at http://www.courts.ca.gov/xbcr/cc/20110429govcode68106.pdf.

Mandate in Government Code Section 68106 (Budget Act of 2010)

In providing fee increases and fund transfers for the courts, the Legislature in its Budget Act of 2010 expressly declared its intention that trial courts remain open to the public on days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. To that end, Government Code section 68106 imposes the following notice requirements on trial courts and the Judicial Council:

- Trial courts must provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices, although "[n]othing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions."[4] The trial court is to provide this notice "by conspicuous posting within or about its facilities, on its public Internet Web site, and to the Judicial Council . . . ."[5] The notification shall include information about the scope of the closure or reduction in hours and about the financial constraints or other reasons that make the closure or reduction necessary.
- The Judicial Council must, within 15 days of receiving a notice from a trial court, "conspicuously" post the notice "on its Internet Web site" and forward a copy to the chairs and vice-chairs of the legislative Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.

Implementation Efforts

The Administrative Office of the Courts (AOC), which carries out the directives of the Judicial Council, notified all trial court presiding judges and court executive officers of this statutory mandate and provided legal guidance regarding compliance from the AOC Office of the General Counsel. Trial courts have been requested to send any notices of the kind described in section 68106 to their AOC Regional Administrative Director.

The AOC has placed on the home page of the California Courts website a link to a "Limited Court Service Days" page with information about Government Code section 68106,[6] as well as notices received from trial courts about courtroom or clerks' office closures or reductions in clerks' office hours. Below is the current matrix from the California Courts website listing the six courts, to date, that have given notice to the Judicial Council and linking to their notices. Since the last report to the council, the notice from the Siskiyou court and the new notice from the San Francisco court have been added.[7]

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[4] Gov. Code, § 68106(c).
[5] *Id.*, § 68106(b).
[6] This page is available at http://www.courts.ca.gov/12973.htm
[7] A copy of the new notices from the Siskiyou and Sand Francisco trial courts are also included as Attachments B and C to this report.

Superior Court	Date Notice Received	Notice to the Judicial Council
Lassen	11/12/10	PDF
Mendocino	01/21/11	PDF
San Francisco	11/22/10	PDF
San Francisco	05/09/11	PDF
San Mateo	12/01/10	PDF
Santa Cruz	10/28/10	PDF
Siskiyou	05/27/11	PDF
Tehama	04/18/11	PDF

The AOC has forwarded these eight notices to the required legislative leaders.

Attachments

1. Attachment A: Government Code section 68106
2. Attachment B: May 27, 2011, Notice from the Siskiyou trial court under Government Code section 68106
3. Attachment C: May 9, 2011, Notice from the San Francisco trial court under Government Code section 68106

Attachment A

Government Code section 68106.

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that, to the extent practicable, access to court services for civil litigants be preserved in the allocation of resources by and for trial courts.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b) Trial courts shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary. Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.