



## Judicial Council of California Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: February 25, 2011

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Title	Agenda Item Type
Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report #2)	Information Only
	Date of Report
	February 1, 2011
Submitted by	Contact
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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.<sup>1</sup> 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<sup>2</sup> and relay to the Legislature all such court notices. This is the second report providing information about the implementation of these notice requirements.<sup>3</sup> Since the first report, one more court, Mendocino, has given such notice, which it issued on January 21, 2011.

### 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

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<sup>1</sup> A copy of Government Code section 68106 is included as Attachment A to this report.

<sup>2</sup> The California Courts website is [www.courts.ca.gov](http://www.courts.ca.gov).

<sup>3</sup> The first report, dated December 3, 2010, was provided to the council at its December 14, 2010, business meeting. That first report is found at <http://www.courtinfo.ca.gov/jc/documents/reports/20101214govcode68106.pdf>.

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."<sup>4</sup> 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 . . . ."<sup>5</sup> 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 "Superior Court Notices Regarding Reduced Services" page with information about Government Code section 68106,<sup>6</sup> 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 five courts, to date, that have given notice to the Judicial Council and linking to their notices. Since the last report to the council, the Mendocino court has been added.<sup>7</sup>

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<sup>4</sup> Gov. Code, § 68106(c).

<sup>5</sup> *Id.*, § 68106(b).

<sup>6</sup> This page is available at [www.courtinfo.ca.gov/courtadmin/closures.htm](http://www.courtinfo.ca.gov/courtadmin/closures.htm).

<sup>7</sup> A copy of the new notice from the Mendocino trial court is also included as Attachment B to this report.

Superior Court	Date Notice Received	Notice to the Judicial Council
Lassen	11/12/10	<a href="#">PDF</a>
Mendocino	01/21/11	<a href="#">PDF</a>
San Francisco	11/22/10	<a href="#">PDF</a>
San Mateo	12/02/10	<a href="#">PDF</a>
Santa Cruz	10/28/10	<a href="#">PDF</a>

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

### **Attachments**

1. Attachment A: Government Code section 68106
2. Attachment B: Notice from the Mendocino trial court as required under Government Code section 68106

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.



**Superior Court of California  
County of Mendocino**

**PUBLIC NOTICE  
PURSUANT TO GOVERNMENT  
CODE 68106**

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FOR IMMEDIATE RELEASE

Date: January 21, 2011

**NOTICE OF CALENDARING CHANGES TO COVELO AND  
POINT ARENA COURTS  
Effective April 1, 2011**

The Superior Court of California, County of Mendocino has changed its calendar schedule for the Covelo and Point Arena Courts from one time per month to one time every other month, odd numbered months only for each location. The change becomes effective April 1, 2011.

- **Covelo Calendar** – Matters will only be heard on the fourth Friday of each odd numbered month (January, March, May, July, September, November) at 76270 Grange Street; Covelo, CA 95428.
  - 9:30 a.m. Criminal Arraignments and Calendar Matters
  - 10:30 a.m. Traffic and Infraction Arraignments, Calendar Matters and Court Trials
  - 10:30 a.m. Limited Civil and Small Claims
  
- **Point Arena Calendar** – Matters will only be heard on the third Thursday of each odd numbered month (January, March, May, July, September, November) at the VFW Building; 24000 S. Hwy. One; Point Arena, CA 95468
  - 9:00 a.m. Traffic and Infraction Arraignments and Calendar Matters
  - 9:30 a.m. Criminal Misdemeanor Arraignments
  - 11:00 a.m. Limited Civil, Small Claims and Ex Parte Hearings

These changes are necessary due to the Superior Court's current financial crisis and a decline in hearings for the Covelo and Point Arena Courts. In Fiscal Year 2009-2010 the Court's base allocation was reduced by \$622,706.00 and in Fiscal Year 2010-2011 it was reduced by \$317,680.00. In response to this reduction in funding, the Court instituted a hiring freeze in 2008, and has done away with virtually all positions vacated by retirement and separation. In addition, the Court has eliminated four management positions and one clerical position, resulting in approximately an 18% decrease in court staff. Covelo hearings have declined approximately 26.5% since 2008 and Point Arena hearings have declined approximately 47% since 2008. The Superior Court of California, County of Mendocino is committed to ensuring open access to a system of unified and equal justice for all. All state trial courts are required to manage their budgets in response to funding conditions and in compliance with the Judicial Council's guiding principle of maintaining open access to courts. Reducing the Covelo and Point Arena Court calendars to one time every other month will help control staffing costs with minimum inconvenience to the public. Neither affected location currently has a Clerk's Office. Filings and related clerk's office functions will continue to be handled for Covelo at the Ukiah Courthouse and for Point Arena at the Ten Mile Branch Court in Fort Bragg. The Clerk's Office hours in Fort Bragg and Ukiah remain 8:30 a.m. to 4:00 p.m.