



## Judicial Council of California Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 28, 2012

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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 #11)	Information Only
	Date of Report
	April 12, 2012
Submitted by	Contact
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### Executive Summary

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. In 2011, the Legislature enacted Assembly Bill 973, which amended section 68106 effective January 1, 2012. As amended, section 68106 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 and relay to the Legislature all such court notices. This is the eleventh report providing information about the implementation of these notice requirements. Since the tenth report, three courts—Plumas, Sierra, and Solano—have given such notices. Since section 68106 originally was added, on October 19, 2010, a total of 27 courts have given notice.<sup>1</sup>

### Two Courts' Notices Since the Last Report

- Effective April 30, 2012, the Clerk's Office at the Plumas Sierra Regional Courthouse of the Superior Court of Plumas and Sierra Counties, will reduce office hours by closing from 12 noon to 1:00 p.m. daily. Telephone access to the courthouse will still be available at 530-832-5286 during the closure period.

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<sup>1</sup> All courts' notices are listed and posted at <http://www.courts.ca.gov/12973.htm>. A few courts have given more than one notice.

- The Superior Court of Solano County has limited operation days on the following dates: Thursday, July 5 through Friday, July 6, 2012; Friday, August 31, 2012; Monday November 19 through Wednesday, November 21, 2012; Monday, December 24 through Monday, December 31, 2012; and Friday, March 29, 2013. On the limited operation days, all Clerk’s Offices and all but two courtrooms will be closed. The two courtrooms will be open in the Hall of Justice, 600 Union Avenue, Fairfield, California, to conduct arraignments and examinations as required by law, to sign any necessary documents on an emergency basis, and to handle time-sensitive juvenile matters. Time sensitive family law matters will also be handled daily. Drop boxes will be available at the Hall of Justice and at the Solano Justice Center, 320 Tuolumne Street, Vallejo for same-day filing of documents deposited before 4:00 p.m.

### **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. Statements confirming this intent remain in Government Code section 68106, following its recent amendment.<sup>2</sup> As amended, the section imposes the following notice requirements on trial courts and the Judicial Council:

- Trial courts must provide written 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>3</sup> The trial court is to provide this notice “by conspicuous posting within or about its facilities, on its public Internet Web site, by electronic distribution to individuals who have subscribed to the court’s electronic distribution service, and to the Judicial Council . . . .”<sup>4</sup> The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.<sup>5</sup> Courts expressly are *not* obligated to respond to comments received.<sup>6</sup> If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, however, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the Judicial Council.<sup>7</sup>

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<sup>2</sup> The full text of Government Code section 68106, as amended, is set forth in Attachment A.

<sup>3</sup> Gov. Code, § 68106(c).

<sup>4</sup> *Id.*, § 68106(b)(1).

<sup>5</sup> *Id.*, § 68106(b)(1)–(b)(2)(A).

<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

- 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.<sup>8</sup>

### **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 the enactment of this statutory mandate, and the AOC’s Office of the General Counsel (OGC) provided legal guidance regarding compliance. Trial courts have been requested to e-mail any such notices to the AOC’s Regional Administrative Director. At the start of this fiscal year and also before the December 2011 holidays, the AOC sent reminders concerning the statutory requirements to all presiding judges and court executives. On January 11, 2012, the AOC’s OGC also issued a statewide memorandum to all presiding judges and court executives describing the recent amendments to Government Code section 68106 and explaining the impact of those changes.

The AOC has placed on the home page of the California Courts website a “Quick Link” to a “Limited Court Service Days” page, which contains information about Government Code section 68106,<sup>9</sup> and all notices received from trial courts about courtroom or clerks’ office closures or reductions in clerks’ office hours that remain in effect. Since the last report to the council, the notices from the Plumas, Sierra and Solano courts have been added.

The AOC has forwarded these notices from these courts to the designated legislative leaders.

### **Attachments**

1. Attachment A: Government Code section 68106
2. Attachment B: February 27, 2012, notice from the Plumas and Sierra courts
3. Attachment C: March 9, 2012, notice from the Solano court

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<sup>8</sup> *Ibid.*

<sup>9</sup> This page is available at <http://www.courts.ca.gov/12973.htm>

Government Code section 68106, as amended effective January 1, 2012.

(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)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, 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.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) 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 PLUMAS  
COUNTY OF SIERRA**

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**PUBLIC NOTICE  
PURSUANT TO GOVERNMENT CODE SECTION 68106**

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February 27, 2012

Currently the Clerk's Office at the Plumas Sierra Regional Courthouse of the Superior Courts of California, County of Plumas and County of Sierra is open Monday through Friday from 8:00 a.m. to 4:00 p.m, excluding court holidays.

**Effective April 30, 2012 the Clerk's office hours will be reduced, and the office will be closed from 12 noon to 1:00 p.m. daily.**

The courts find this action necessary due to the continuing budget reductions to the judicial branch. The most recent budget reduction to the local trial courts in the current fiscal year has resulted in the loss of a clerical position at this courthouse. The remaining staff person is entitled by law to a lunch break, and it is not feasible for staff from either the Quincy courthouse in Plumas County (70 miles round trip) or from the Downieville courthouse in Sierra County (90 miles round trip) to provide this coverage. Telephone access to this courthouse will still be available during the closure period by calling (530) 832-4286.

We apologize for any inconvenience this may cause. If you would like to submit comments on the reduction in the Clerk's office hours at the Plumas Sierra Regional courthouse, please submit them in writing to Deborah Norrie, Court Executive Officer, Plumas Superior Court, 520 Main St., Room 104, Quincy, CA 95971 or Lee Kirby, Court Executive Officer, Sierra Superior Court, P.O. Box 476, Downieville, CA 95936.



*SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO*

Executive Office  
600 Union Avenue  
Fairfield, CA 94533  
Phone (707) 207-7475  
Fax (707) 426-1631

## Public Notice

Contact: Brian K. Taylor  
Court Executive Officer  
Phone: (707)207-7475

FOR IMMEDIATE RELEASE:  
Date: March 9, 2012  
Fairfield, California

**PUBLIC NOTICE PURSUANT TO GOVERNMENT CODE SECTION 68106  
IMPLEMENTATION OF LIMITED OPERATIONS DAYS IN FISCAL YEAR 2012-2013**

The Superior Court of California, County of Solano will have limited operation days on the days listed below:

Thursday, July 5 through Friday, July 6, 2012  
Friday, August 31, 2012  
Monday, November 19 through Wednesday, November 21, 2012  
Monday, December 24 through Monday, December 31, 2012  
Friday, March 29, 2013

On the limited operation days, all Clerk's Offices and all but two courtrooms will be closed. The two courtrooms will be open in the Hall of Justice, 600 Union Avenue, Fairfield, California to conduct arraignments and examinations as required by law, to sign any necessary documents on an emergency basis, and to handle time-sensitive juvenile matters. Time sensitive family law matters will also be handled daily. Drop boxes will be available at the Hall of Justice and at the Solano Justice Center, 321 Tuolumne Street, Vallejo for same-day filing of documents deposited there before 4:00 p.m.

The limited operations days will result in savings of about \$900,000 to reduce the impact of the judicial branch's \$350 million budget reduction for this fiscal year.

The Court finds it necessary to institute these changes in light of the ongoing state budget crises. Over the past three years, the California Judicial Branch budget has seen a reduction of \$600 million, which is a 30% reduction to the Judicial Branch budget.

The Legislature and Governor approved an additional permanent \$350 million dollar reduction to the Judicial Budget in fiscal year 2011-2012. The Court has instituted various cost savings measures such as a hiring freeze for the past three years, furloughs, implementation of an early retirement program, implementation of electronic reporting in misdemeanor matters and reengineering court processes for efficiencies.

If you have any comments regarding this action, please send them in writing to Brian Taylor, Court Executive Officer, 600 Union Avenue, Fairfield, CA 94533 by May 11, 2012.