



## Judicial Council of California Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 23, 2013

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Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 21)	Information Only
	Date of Report
	August 9, 2013
Submitted by	Contact
Jody Patel, Chief of Staff Pam Reynolds, Manager Judicial Council and Court Leadership Services Division	Pam Reynolds, 916-263-1462 <a href="mailto:pam.reynolds@jud.ca.gov">pam.reynolds@jud.ca.gov</a>

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### Executive Summary

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 21st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—Mendocino and Fresno Counties—have issued new notices.

### Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.<sup>1</sup> Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 44 courts have issued

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<sup>1</sup> Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.<sup>2</sup> The Judicial Council has received 20 prior informational reports listing such notices as they have been received.

### **Notices Received From Two Courts Since Last Report**

This is the 21st report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received new notices of closures or reduced hours from two trial courts:

1. The Superior Court of **Mendocino** County will offer limited service days in November 2013 and December 2013. The Superior Court will be open on a very limited basis for the three days preceding Thanksgiving: November 25, 26 and 27, and for the two days preceding Christmas: December 23 and 24. On the five limited operation days, all courtrooms in the Ukiah courthouse will be closed except for Department B which will remain open to conduct last day criminal matters, in-custody criminal arraignments, time-sensitive juvenile matters, unlawful detainers, temporary restraining order issues and any other emergency matters. The Ukiah Clerk's Office will remain open from 8:30 a.m. – 3:00 p.m. No other court offices will be open. The Fort Bragg courthouse will be closed all five days and no court services will be available there.

The five closure days are not court holidays, so statutory deadlines will not be extended. Document drop boxes will be available at 100 N. State Street, Ukiah and 700 South Franklin Street, Fort Bragg to permit the same-day filing of documents deposited there before 4:00 p.m. (*Attachment B*)

2. The Superior Court of **Fresno** County will offer limited service days in December 2013. The court will temporarily close the Main Criminal Courthouse and B.F. Sisk Courthouse (including the Self-Help Center and Archives Department) and relocate essential hearings and consolidate the Clerk's Offices into the M Street Courthouse and the Juvenile Justice Campus only on the following days:

- December 23 and 24, 2013, the Monday and Tuesday before Christmas
- December 26 and 27, 2013, the Thursday, and Friday after Christmas

For Clerk's Office services on the above dates, the Fresno Superior Court will have at least one window open at the M Street Courthouse, 2317 Tuolumne Street, for each of the following departments: Traffic, Civil/Small Claims, Probate, Family Law/Family Support, and Criminal. The Clerk's Office at the Juvenile Justice Campus (located at 3333 East American Avenue) will remain open for juvenile related matters (both Delinquency and Dependency). The Clerk's Office hours on those days will remain 8:00 a.m. to 4:00 p.m. Each case specific window will be open and available to perform all

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<sup>2</sup> All courts' notices are listed and posted at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Some courts have given more than one notice.

normal Clerk's Office duties. Services from the Self-Help Center and Archives Department will not be available.

See Attachment C for details on which courtrooms will be open during this period.  
(Attachment C)

### **Mandate in Government Code Section 68106**

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following 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, it must "immediately provide notice to the public" by posting and distributing "a revised notice" using the procedure previously described, including distribution to the council.<sup>7</sup> The change in plan does not require notification, however, beyond the original 60-day period.<sup>8</sup>
- 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 both houses' 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>9</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

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<sup>3</sup> Gov. Code, § 68106(c).

<sup>4</sup> *Id.*, § 68106(b)(1).

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

<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

<sup>9</sup> *Id.*, § 68106(b)(3).

this statutory mandate, and the AOC's Legal Services Office (LSO) provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LSO Senior Attorney, who has provided legal review of the courts' notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council's obligations under section 68106, the AOC has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page ([www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm)), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks' offices or reductions in clerks' office hours.<sup>10</sup> Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The AOC has also forwarded the notices from these courts to the designated legislative leaders.

### **Attachments**

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of Mendocino, August 7, 2013

Attachment C: Notice from the Superior Court of Fresno, August 9, 2013

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<sup>10</sup> The Reduced Court Services page has been updated recently, so that court notices now are grouped according to whether the 60-day period has expired or not, making it easier to identify new notices at a glance.

**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 courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(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 MENDOCINO**



*Press Release  
(For immediate release: August 7, 2013)*

**PUBLIC NOTICE OF LIMITED SERVICE DAYS IN  
NOVEMBER 2013 AND DECEMBER 2013  
PURSUANT TO GOVERNMENT CODE § 68106**

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The Superior Court will be open only on a very limited basis for the three days preceding Thanksgiving: November 25, 26 and 27, and for the two days preceding Christmas: December 23 and 24. These periods of limited operation were implemented as employee furlough days in order to reduce court costs to satisfy budget cuts imposed by the Governor's Office and the Legislature.

"The court has done everything possible to reduce operational costs over the last few years without substantially reducing court services," according to Presiding Judge Richard Henderson. "However, the court simply cannot continue to offer the same level of court services with our reduced budget. Our budget was decreased by almost 27% over the last three years. The court has reduced staff from 78 to 55 positions through attrition and layoffs. Our remaining court staff has worked hard without cost of living increases or raises to continue to provide essential court services." Judge Henderson praised the court staff for agreeing to the furlough days to help the court meet its budget.

**On the five limited operation days, all courtrooms in the Ukiah courthouse will be closed except for Department B which will remain open to conduct last day criminal matters, in-custody criminal arraignments, time-sensitive juvenile matters, unlawful detainers, temporary restraining order issues and any other emergency matters. The Ukiah Clerk's Office will remain open from 8:30 a.m. – 3:00 p.m. No other court offices will be open. The Fort Bragg courthouse will be closed all five days and no court services will be available there.**

The five closure days are not court holidays, so statutory deadlines will not be extended. Document drop boxes will be available at 100 N. State Street, Ukiah and 700 South Franklin Street, Fort Bragg to permit the same-day filing of documents deposited there before 4:00 p.m.

Public comments regarding the above action are welcome and may be submitted by e-mail to: [LimitedServiceDays@mendocino.courts.ca.gov](mailto:LimitedServiceDays@mendocino.courts.ca.gov) or by regular mail to the attention of: Caryn A. Downing, Court Executive Officer at 100 N. State Street; Ukiah, CA 95482 no later than 5:00 p.m., October 8, 2013. This notice is given in compliance with Government Code Section 68106.

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For additional information regarding this press release,  
please contact Court Administration at: (707) 467-6437.



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO



# NOTICE OF LIMITED COURT CLOSURES

**DECEMBER 23, 24, 26 and 27, 2013**

Due to severe budget reductions and following the required public comment procedures for 60 days with no comments received, the Fresno Superior Court hereby announces that it will temporarily close the Main Criminal Courthouse and B.F. Sisk Courthouse (including the Self-Help Center and Archives Department) and relocate essential hearings and consolidate the Clerk's Offices into the M Street Courthouse and the Juvenile Justice Campus only on the following days:

- December 23 and 24, 2013, the Monday and Tuesday before Christmas
- December 26 and 27, 2013, the Thursday, and Friday after Christmas

### COURTROOMS

The following courtrooms **WILL** be open:

- Departments 95 and 96 at the North Annex Jail (located at 1265 M Street) for adult criminal arraignment hearings and previously set matters.
- Department 97C at the M Street Courthouse (located at 2317 Tuolumne Street) for traffic and criminal infraction walk-in arraignments morning only, and will assist Department 95, 96. This department will also process emergency orders.
- Departments 97A and 97B at the M Street Courthouse (located at 2317 Tuolumne Street) as standby trial courtrooms for adult criminal trials, should they need to proceed due to a statutory timeframe limitation, and domestic violence and restraining order matters, process emergency orders and urgent cases with statutory timeframe limitations.
- Department 99A at the Juvenile Justice Campus (located at 3333 East American Avenue) for all juvenile delinquency and dependency matters including detention hearings and urgent cases with statutory timeframe limitations.
- Department 99B at the Juvenile Justice Campus (located at 3333 East American Avenue) as standby trial courtroom for juvenile trial should they need to proceed due to a statutory timeframe limitation, and provide assistance to 99A should the need arise.

**All other courtrooms will be closed during these days.**

### CLERK'S OFFICE

For Clerk's Office services on the above dates, the Fresno Superior Court will have at least one window open at the M Street Courthouse, 2317 Tuolumne Street, for each of the following departments: Traffic, Civil/Small Claims, Probate, Family Law/Family Support, and Criminal. The Clerk's Office at the Juvenile Justice Campus (located at 3333 East American Avenue) will remain open for juvenile related matters (both Delinquency and Dependency). The Clerk's Office hours on those days will remain 8:00 AM to 4:00 PM. Each case specific window will be open and available to perform all normal Clerk's Office duties. Services from the Self-Help Center and Archives Department will not be available.

These changes are a result of the Court's strategic planning for operational efficiency during this time of year. The temporary relocation of departments from the Main and B.F. Sisk Courthouses to the M Street Courthouse on these days will provide the Court the opportunity to better utilize staff resources.