



## Judicial Council of California Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

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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. 24)	Information Only
	Date of Report
	April 11, 2014
Submitted by	Contact
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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 24th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—those of Plumas and Merced 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 45 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 23 prior informational reports listing such notices as they have been received.

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

This is the 24th 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. Effective July 1, 2014, the Superior Court of **Plumas** County will close the Chester court location until further notice. All current and future traffic and small claims cases will be processed and heard at the Quincy Courthouse, 520 Main St., Quincy, CA 95971. The Chester court location is currently open Monday and Thursday from 8:00 a.m. to 4:00 p.m. and on Friday from 8:00 a.m. to 3:00 p.m., excluding court holidays. The Chester telephone line is answered on Monday and Thursday from 8:30 a.m. to 4:00 p.m. and on Friday from 8:30 a.m. to 3:00 p.m. (*Attachment B*)
2. Effective June 13, 2014, through January 2, 2015, the Superior Court of **Merced** County will close all clerk's offices every Friday from 12:00 p.m. to 3:00 p.m. Currently the operating hours for the Merced Superior Court Clerk's Office filing windows and telephones are Monday–Friday from 8:00 a.m. to 3:00 p.m., excluding holidays. Effective Friday, June 13, 2014, the operating hours for the Clerk's Office filing windows and telephones will be Monday–Thursday from 8:00 a.m. to 3:00 p.m., excluding holidays. A document drop box is available at each court location to receive documents after 3:00 p.m. (*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

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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.

<sup>3</sup> Gov. Code, § 68106(c).

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 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 Plumas, April 3, 2014

Attachment C: Notice from the Superior Court of Merced, April 10, 2014

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<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).

<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 PLUMAS**

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

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**April 3, 2014**

The Chester court location of the Superior Court of California, County of Plumas is currently open Monday and Thursday from 8:00 a.m. to 4:00 p.m. and on Friday from 8:00 a.m. to 3:00 p.m., excluding court holidays. The Chester telephone line is answered on Monday and Thursday from 8:30 a.m. to 4:00 p.m. and on Friday from 8:30 a.m. to 3:00 p.m.

**Effective July 1, 2014 the Chester court location of the Plumas Superior Court will be closed until further notice. All current and future traffic and small claims cases will be processed and heard at the Quincy Courthouse, 520 Main St., Quincy, CA 95971. Telephone (530) 283-6232 or (530) 283-6305.**

This action is necessary due to the ongoing reductions to the Plumas Superior Court budget for Fiscal Year 2014-2015. A new funding model and reductions to the Court's allocation has demanded that the Court examine all phases of its operation and make reductions in both staffing and service levels.

We apologize for the inconvenience this may cause. If you would like to submit comments on the closure of the Chester court location, please submit them in writing to Deborah Norrie, Court Executive Officer, Plumas Superior Court, 520 Main St., Room 104, Quincy, CA 95971.

# **PUBLIC NOTICE**

## **ATTENTION**

### **Superior Court of California, County of Merced**

#### **Effective June 13, 2014:**

Notice of Reduction in Operating Hours-All Clerk's Offices will close every Friday from 12:00 pm to 3:00 p.m. commencing June 13, 2014 through January 2, 2015.

Pursuant to Government Code Section 68106, the Superior Court of California, County of Merced is providing 60 day notice of the reduction in operational hours for the public filing windows and telephones in the Clerk's Offices.

Currently the operating hours for the Merced Superior Court Clerk's Office filing windows and telephones are Monday-Friday from 8:00 a.m. – 3:00 p.m., excluding holidays.

Effective Friday, June 13, 2014, the operating hours for the Clerk's Office filing windows and telephones will be Monday-Thursday from 8:00 a.m. – 3:00 p.m., excluding holidays. A document drop box is available at each court location to receive documents after 3:00 p.m.

Over the past five years the California Judicial Branch budget has suffered a reduction of \$1.3 billion statewide. The reduction in the Clerk's Office hours on Fridays from 12:00 p.m. to 3:00 p.m. will provide time for court staff to process cases timely and allow them to devote their time in assisting with the implementation of a new case management system that will allow the public better access to the courts.

Please see the Superior Court web site for additional information: [www.merced.courts.ca.gov](http://www.merced.courts.ca.gov)