



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 22, 2014

Title

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Report No. 26)

Agenda Item Type

Information Only

Date of Report

August 13, 2014

Submitted by

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Leadership Services Division

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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 26th 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 Santa Clara and Shasta 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.¹ 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

¹ 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.² The Judicial Council has received 25 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 26th 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 September 25, 2014, the Superior Court of **Shasta** County will close the Burney branch court until further notice. Cases currently heard in the Burney branch will be scheduled for court appearances at the main courthouse in Redding commencing September 25, 2014. Currently, the court operates a branch court in Burney on the second Wednesday of each month.

The court currently operates civil and criminal clerk's offices in Redding Monday through Friday from 8:30 a.m. to 2:00 p.m., excluding holidays. Effective September 25, 2014, the court will reduce the office hours to 8:30 a.m. to 2:00 p.m. on Mondays and Fridays in the Jury Services Division. The new hours for Jury Services will go into effect September 25, 2014. (*Attachment B*)

2. Effective October 6, 2014, the Superior Court of **Santa Clara** County will no longer hear Civil, Small Claims, and Traffic cases at the Morgan Hill and Palo Alto courthouses, until further notice. Civil and small claims cases from both the Morgan Hill and Palo Alto locations will be transferred to the Downtown Courthouse located in San Jose. Traffic cases from both the Morgan Hill and Palo Alto locations will be transferred to the Santa Clara Courthouse. (*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.”³ The trial court

² All courts' notices are listed and posted at www.courts.ca.gov/12973.htm. Some courts have given more than one notice.

³ Gov. Code, § 68106(c).

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 . . .”⁴ 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.⁵ Courts expressly are *not* obligated to respond to comments received.⁶ 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.⁷ The change in plan does not require notification, however, beyond the original 60-day period.⁸

- 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.⁹

Implementation Efforts

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services (LS) staff 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, LS 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 Judicial Council staff 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), 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. Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The Judicial Council staff 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 Shasta, July 24, 2014

Attachment C: Notice from the Superior Court of Santa Clara, August 6, 2014

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

⁹ *Id.*, § 68106(b)(3).

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.

July 24, 2014

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SHASTA**

**IMPORTANT PUBLIC NOTICE
(Pursuant To Government Code § 68106)**

The Superior Court of California, County of Shasta operates a branch court in Burney on the second Wednesday of each month. **This is to inform the public of the Superior Court's final decision to close the Burney branch court until further notice.** The closure will go into effect September 25, 2014. Cases currently heard in the Burney branch will be scheduled for court appearances at the main courthouse in Redding commencing September 25, 2014.

The Superior Court of California, County of Shasta currently operates civil and criminal clerk's offices in Redding Monday through Friday from 8:30 a.m. to 2:00 p.m., excluding holidays. **This notice is to inform the public of the Superior Court's final decision to reduce office hours to 8:30 a.m. to 2:00 p.m. on Mondays and Fridays in the Jury Services Division.** The new hours for Jury Services will go into effect September 25, 2014.

The Probate and Family Court Services Division, the Human Resources Division, the Marshal's Office and the Court Collections Division are not impacted by the court's decision to further reduce hours at this time.

The court finds the above actions are necessary due to the significant and continuing cuts to the state judicial branch budget. Since 2009, state funding for the judicial branch has been significantly reduced, with those reductions impacting the budgets of individual superior courts. The limited amount of funding restored in fiscal year 2014/2015 does not make it fiscally feasible

to keep the Burney branch court open. In addition, the hours in Jury Services at the main courthouse in Redding must be limited as set forth in this notice due to staffing reductions for budget purposes.

Workload considerations dictate that court staff be redirected from the Burney location to assist in the main Redding Courthouse, to reduce court user waiting times at that location.

Court users may mail documents directly to the Redding Courthouse at: Shasta County Superior Court, 1500 Court Street, Redding, California 96001 in lieu of personally visiting the clerk's offices. Civil and criminal court employees in Redding are available by telephone at (530) 245-6789 between the hours of 8:30 a.m. and 2:00 p.m. The court's Internet site (www.shastacourts.com) also contains information about court services, for example, about how to pay a fine online 24/7. The Court Collections Division will remain open 8:30 to 4:30 each court business day to accept fine payments.

We apologize for the inconvenience this may cause. If you would like to submit comments about the proposed reductions, please send them to Melissa Fowler-Bradley, Court Executive Officer, 1500 Court Street, Room 205, Redding, California 96001 or by calling 530-245-6761.

Superior Court of California County of Santa Clara

191 North First Street
San José, California 95113
(408) 882-2700

DAVID H. YAMASAKI
Chief Executive Officer



FOR IMMEDIATE RELEASE – AUGUST 5, 2014

Contact: Chambers of Honorable Brian C. Walsh, Presiding Judge - (408) 882-2280

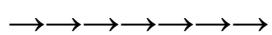
IMPORTANT PUBLIC NOTICE

The Superior Court of California, County of Santa Clara operates courthouses in Morgan Hill and Palo Alto. This is to inform the public of the Superior Court's decision to close the Civil, Small Claims and Traffic courts in Morgan Hill and Palo Alto until further notice. The closure will go into effect October 6, 2014.

Civil, Small Claims and Traffic cases scheduled to be heard in Morgan Hill and Palo Alto Courthouses will be scheduled for court appearances in the following new locations:

Morgan Hill Courthouse

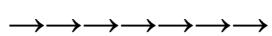
Civil and Small Claims



New Locations

Downtown Courthouse
191 North First Street
San Jose, California

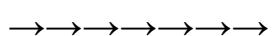
Traffic



Santa Clara Courthouse
1095 Homestead Road
Santa Clara, California

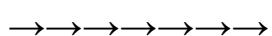
Palo Alto Courthouse

Small Claims



Downtown Courthouse
191 North First Street
San Jose, California

Traffic



Santa Clara Courthouse
1095 Homestead Road
Santa Clara, California

The Court finds the above actions are necessary due to the significant and continuing cuts to the State Judicial Branch Budget. Since 2009, state funding for the judicial branch has been significantly reduced, with those reductions impacting the budgets of individual superior courts. The limited amount of funding restored in FY 2014-15 does not make it fiscally feasible to keep these courts open.

We apologize for the inconvenience this may cause. If you would like to submit comments about the proposed reductions, please send them to David H. Yamasaki, Court Executive Officer, 191 North First Street, San Jose, California 95113 by October 6, 2014.

For further information, please check the Superior Court website at www.scscourt.org