



## Judicial Council of California

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 12, 2014

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Title

Government Code Section 68106: Public  
Notice by Courts of Closures or Reduced  
Clerks' Office Hours (Gov. Code, § 68106—  
Report No. 28)

Agenda Item Type  
Information Only

Date of Report  
November 25, 2014

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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 28th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts—those of Calaveras, San Diego, and Mono 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 48 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 27 prior informational reports listing such notices as they have been received.

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

This is the 28th 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 three trial courts:

1. The Superior Court of **Calaveras** County will be reducing its hours of operations, during the period of December 18, 2014, through January 7, 2015, by closing the Clerk's Office an hour earlier Monday through Thursday and by closing two hours earlier on Fridays. Courtrooms will remain open Monday through Friday and are unaffected by this change. Currently, the Clerk's Office filing windows and telephones are open to the public from 8:15 a.m. to 4:00 p.m., Monday through Friday. Effective December 18, 2014, through January 7, 2015, the hours of operation in the Clerk's Office will be as follows: Monday through Thursday 8:15 a.m. to 3:00 p.m. and Friday 8:15 a.m. to 2:00 p.m. A drop box is available to receive documents for same day filing Monday through Friday when the Clerk's Office is closed. Additionally, the court will temporarily be closed December 18, 2014, from 11:45 a.m. to 1:30 p.m. (*Attachment B*)
2. Effective December 22, 2014, the Superior Court of **San Diego** County will close the Small Claims business office at the Kearny Mesa Courthouse and will no longer accept Small Claims filings, including filings for Small Claims appeals; such filings must be made in the Civil Business Office at the Hall of Justice, 330 West Broadway, Room 241, San Diego. Effective January 5, 2015, all Small Claims hearings/trials will be transferred from the Kearny Mesa Courthouse and will take place in Department 22 of the Central Courthouse. No changes are being made to filings and hearings in the North County Division.

Effective January 5, 2015, all Civil appeals, all Family appeals, and all East and South County Division Criminal appeals (excluding North County Criminal appeals) will be transferred to the Central Division, and all filings related to such appeals shall be made in the Central Division, at 220 West Broadway, Room 3005, San Diego. No changes are being made to Juvenile appeals filings. (*Attachment C*)

3. In August, the Superior Court of **Mono** County issued public notice that it would close the Mammoth Lakes Courthouse every third Friday, from October 31, 2014, through the remainder of the fiscal year. The court is now providing notice that it must extend its Friday closures to include four additional dates for a total of 17 closure days. See Attachment D for a complete list of Friday closure dates.

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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.

In addition, effective January 16, 2015, the court will reduce services to the public as follows:

- **Reduced Court Clerks' Office Hours:** Currently, the Mammoth Lakes Courthouse Clerks' Office is open from 8:30 a.m. to 4:00 p.m., Monday through Friday. Beginning on January 16, 2015, the Clerks' Office will be open on Monday, Wednesday, and Friday from 8:30 a.m. to 12:30 p.m. and on Tuesday and Thursday from 12 p.m. to 4 p.m.
- **Clerks' Office Telephone Hours Eliminated:** Beginning on January 16, 2015, court clerks will no longer be able to provide assistance by telephone to the general public. The public may come into the office in person, or submit requests by mail, fax, or e-mail.

*(Attachment D)*

### **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"

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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).

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**

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](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. 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 Calaveras, October 17, 2014:

Attachment C: Notice from the Superior Court of San Diego, October 21, 2014

Attachment D: Notice from the Superior Court of Mono, November 12, 2014

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<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

<sup>9</sup> *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.

# PUBLIC NOTICE

*\*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.*

## NOTICE OF REDUCTION IN CLERK'S OFFICE HOURS

Posted October 17, 2014

Pursuant to *Government Code* §68106, the Superior Court of California, County of Calaveras will be reducing its hours of operations, during the period of December 18, 2014 through January 7, 2015 by closing the Clerk's Office an hour earlier Monday through Thursday and by closing two hours earlier on Fridays, to mitigate the impact of staff furloughs. Courtrooms will remain open Monday through Friday and are unaffected by this change. Currently, the Clerk's Office filing windows and telephones are open to the public from 8:15 a.m. - 4:00 p.m., Monday through Friday, excluding court holidays and weekends.

**Effective December 18, 2014 through January 7, 2015**, the Calaveras Superior Court "hours" of operation in the Clerk's Office will be as follows:

**MONDAY through Thursday**  
**8:15 a.m. – 3:00 p.m.**

**FRIDAY**  
**8:15 a.m. – 2:00 p.m.**

The public will remain able to pay certain traffic fines and fees and to access court calendar information on the court's website at [www.calaveras.courts.ca.gov](http://www.calaveras.courts.ca.gov).

A drop box also is available to receive documents for same day filing Monday through Friday when the Clerk's Office is closed. Filing deadlines will not be extended due to the limited service days. Pursuant to California Rules of Court, rule 2.210(b) any document deposited in a court's drop box by or before **4:00 p.m.** on a court day is deemed to have been deposited for filing on that day. All documents will be removed from the drop box at 4:30 p.m., daily. Any document dropped after 4:30 p.m. will be received and filed the following court business day.

This action is necessary due to the ongoing reductions to the Calaveras Superior Court budget for Fiscal Year 2014-2015. A new funding methodology and reductions to the Court's allocation has required it to, once again, examine all areas of operation for efficiency and to make reductions in service levels appropriate to funding. This current fiscal year the Court has instituted several cost saving measures. It has implemented a 3.8% reduction in pay for court staff by requiring all to take ten unpaid furlough days.

The court will be continually faced with reducing services, not only for Fiscal Year 2014-2015, but also going into Fiscal Year 2015-2016, if there is no restoration of funds.

Anyone wishing to comment on the announced reduction in the Clerk's Office hours, please submit your comments by regular mail no later than December 12, 2014. Direct your response to Calaveras Superior Court, Dan Vrtis, 400 Government Center Drive, San Andreas, CA, 95249. You may also send your comments via email to [public@calaveras.courts.ca.gov](mailto:public@calaveras.courts.ca.gov). All public input will be considered.

# PUBLIC NOTICE

*\*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.*

## NOTICE OF REDUCTION IN CLERK'S OFFICE HOURS

Posted October 17, 2014

Pursuant to *Government Code* §68106, the Superior Court of California, County of Calaveras is providing notice of temporary closure on the following date December 18, 2014 from 11:45 am to 1:30 pm.

Anyone wishing to comments please submit your comments by regular mail no later than December 12, 2014. Direct your response to Calaveras Superior Court, Dan Vrtis, 400 Government Center Drive, San Andreas, CA, 95249. You may also send your comments via email to [public@calaveras.courts.ca.gov](mailto:public@calaveras.courts.ca.gov). All public input will be considered.



## Superior Court of California County of San Diego

CENTRAL COURTHOUSE  
220 WEST BROADWAY  
PO BOX 122724  
SAN DIEGO CA 92112-2724

October 21, 2014

### **PUBLIC NOTICE CLOSURE OF BUSINESS OFFICES/ TRANSFER OF OPERATIONS**

Pursuant to Government Code § 68106 and Rule 10.620 of the California Rules of Court, the Superior Court of California, County of San Diego, is providing 60 days' notice that it will be: (1) consolidating its appellate filings by closing the appellate desk/operations of its business offices in its North, South and East County Divisions for certain case filings and transferring them to the Central Division; and (2) closing its Small Claims business office in the Kearny Mesa Courthouse and transferring all Small Claims operations and hearings/trials from the Kearny Mesa Courthouse to the Hall of Justice and Central Courthouse.

Effective December 22, 2014, the Small Claims business office at the Kearny Mesa Courthouse will be closed and that courthouse will no longer accept any Small Claims filings, including filings for Small Claims appeals; such filings must be made in the Civil Business Office at the Hall of Justice, 330 West Broadway, Room 241, San Diego, CA 92101. Effective January 5, 2015, all Small Claims hearings/trials will be transferred from the Kearny Mesa Courthouse and will take place in Department 22 of the Central Courthouse. No changes are being made to filings and hearings in the North County Division.

Effective January 5, 2015: all Civil appeals, all Family appeals, and all East and South County Division Criminal appeals (excluding North County Criminal appeals) will be transferred to the Central Division, and all filings related to such appeals shall be made in the Central Division, at 220 West Broadway, Room 3005, San Diego, CA 92101. "Criminal" is defined as traffic/infractions, misdemeanors, and felonies. No changes are being made to Juvenile appeals filings.

This Court finds the above actions are necessary due to the severe and ongoing 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 Court estimates that it faces a \$9 million cut in funding for FY 2014-2015 and FY 2015-2016. These



**Superior Court of California  
County of San Diego**

CENTRAL COURTHOUSE  
220 WEST BROADWAY  
PO BOX 122724  
SAN DIEGO CA 92112-2724

October 21, 2014

**PUBLIC NOTICE  
CLOSURE OF BUSINESS OFFICES/  
TRANSFER OF OPERATIONS**

cuts are in addition to some \$42 million in reductions incurred during the preceding five fiscal years. As a result, the Court must further reduce the services it provides to bring expenditures in line with funding.

The Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on "*Invitation to Comment*"). For those without easy internet access, comments may be mailed to: Superior Court of California, County of San Diego, 220 W. Broadway, Executive Office, San Diego, CA 92101, attention Michael Roddy, Court Executive Officer.

  
MICHAEL M. RODDY  
Executive Officer

Distributed for Publication

**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF MONO**



**STAN ELLER**  
Presiding Judge  
**MARK MAGIT**  
Assistant Presiding Judge

**HECTOR GONZALEZ, JR.**  
Court Executive Officer

November 12, 2014

**Public Notice: Mammoth Lakes Courthouse**  
**Further Furlough Day Closures and Other Service Reductions**  
(Gov. Code, §§ 68106, 68108)

In August, the Superior Court of Mono County issued public notice that it would close the Mammoth Lakes Courthouse every third Friday, from October 31 through the remainder of the fiscal year (13 days). Unfortunately, the Court recently learned that it will not receive supplemental funding it had hoped for. This means that the court must extend its Friday closures to include four additional dates (a total of 17 closure days). These will be unpaid furlough days for court staff. The following is the **revised list of Friday closure dates** (with the new dates bolded and underlined):

2014: October 31, November 14, December 5, December 26

2015: January 9, **January 16**, January 30, **February 13**, February 20, **March 12**, March 13, April 3, April 24, May 15, **May 22**, June 5, June 26.

In addition, increasing workloads and reduced staffing resources compel the court to reduce services to the public beginning January 16, 2015, as follows:

- **Reduced Court Clerks' Office Hours—Half Days**: Currently, the Mammoth Lakes Courthouse Clerks' Office is open from 8:30 a.m. to 4 p.m., Monday through Friday. Beginning on January 16, 2015, those hours will be reduced. The office will be open on Monday, Wednesday, and Friday from 8:30 a.m. to 12:30 p.m. and on Tuesday and Thursday from 12 p.m. to 4 p.m.
- **Clerks' Office Telephone Hours Eliminated**: Beginning on January 16, 2015, court clerks will no longer be able to provide assistance by telephone to the general public. The public may come into the office in person, or submit requests by mail, fax, or e-mail. Any requests submitted by mail should be addressed to: Mono County Superior Court, P.O. Box 1037, Mammoth Lakes, CA 93546. Fax requests may be directed to: 760-924-5419. E-mails may be sent to: [superiorcourt@monocourt.org](mailto:superiorcourt@monocourt.org).

On the 17 furlough days listed above, and during the portion of the regular business day that the clerks' office is closed on or after January 16, 2015, a judge will be available to conduct any criminal arraignments and examinations as required by statute, and to sign any orders or documents on an emergency basis. A drop box also will be available at the courthouse to accept same day filings on closure days, and after January 16, 2015 on all other non-holiday week days. All documents deposited before 4:00 pm will receive a same day date and time stamp.

**If you would like to submit a written comment regarding the reduced services described in this notice, please address them to: Hector Gonzalez, Court Executive Officer; by e-mail to: SuperiorCourt@monocourt.org; or by regular mail to: P.O. Box 1037, Mammoth Lakes, CA 93546.**