



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 February 19, 2015

Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 30)	Information Only
	Date of Report
	February 5, 2015
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 30th 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 Mendocino 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 48 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 29 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 30th 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. As of January 23, 2015, the Superior Court of **Mendocino** County discontinued hearing cases at the Round Valley/Covelo location. The court is also reducing from five to three the total number of days each year that it will hear matters at the Point Arena location. The three days on which matters will be scheduled for hearing this year at the Point Arena location will be March 19, July 9, and November 19. (*Attachment B*)
2. Effective February 20, 2015, the Superior Court of **Shasta** County will temporarily close the Family Law Facilitator's Office and Self-Help Center located in the main courthouse of the Shasta County Superior Court, for approximately three months. (*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 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

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).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

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 Mendocino, January 29, 2015

Attachment C: Notice from the Superior Court of Shasta, February 4, 2015

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.



**Superior Court of California
County of Mendocino**

DAVID E. NELSON
Presiding Judge

JOHN A. BEHNKE
Assistant Presiding Judge

CHRISTOPHER D. RUHL
Court Executive Officer

PUBLIC NOTICE*

**NOTICE OF REDUCED COURT CALENDAR IN POINT ARENA
AND DISCONTINUATION OF COURT CALENDAR
IN ROUND VALLEY/COVELO**

Due to decreased demand and limited staffing:

1. The number of days court will be held in Point Arena in 2015 is being reduced from five days to three days; and
2. Following the next scheduled Jan. 23, 2015 court date in Round Valley/Covelo, the court calendar in Round Valley/Covelo will be discontinued.

Following are the days court will now be held in 2015:

Point Arena:

March 19th
July 9th
November 19th

Round Valley/Covelo:

January 23rd (Final court date)

*Government Code sec. 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing hours of clerks' offices by conspicuous posting within its facilities and on its public website. Although the Court is not technically required by GC sec. 68106 to provide notice of the above planned reduction in court dates as they do not constitute court closures or reductions in clerk's office hours, the Court is providing this notice as a service to the public. Any comments regarding these planned reductions in court dates should be directed to: Superior Court of California, County of Mendocino, ATTN: Public Comment RE: Calendar Reduction, 100 North State St., Room 303, Ukiah, CA, 95482-4416, or by email at ceo@mendocino.courts.ca.gov. The Court will review all comments received. However, the Court is not required to respond to comments received. See Government Code sec. 68106(b)(2)(B).



**Superior Court of California
County of Shasta**

MELISSA FOWLER-BRADLEY
Court Executive Officer/Clerk of the Court

JOHN ZEIS
Assistant Executive Officer/Clerk of the Court

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SHASTA**

**IMPORTANT PUBLIC NOTICE
(Pursuant To Government Code § 68106
And Rule 10.620(d)(4)(A) of the California Rules of Court)**

Effective February 20, 2015 the Self-Help Center and Family Law Facilitator's Office located in the main courthouse of the Shasta County Superior Court will be temporarily closed for approximately three months.

The court finds the above action necessary due to a staff resignation resulting in the vacancy of the Family Law Facilitator position. As a result, it will not be possible to keep the office open in the absence of a staff attorney. The court is currently conducting a personnel recruitment to fill the vacancy.

The court's Internet site (www.shasta.courts.ca.gov) contains helpful information about court services under the shortcuts button for the Family Law Facilitator/Self Help and links to the California Courts website, self-help section (www.courts.ca.gov/selfhelp.htm) and Judicial Council forms (www.courts.ca.gov/forms.htm).

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