



Judicial Council of California Administrative Office of the Courts

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

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 24, 2012

Title	Agenda Item Type
Government Code Section 68106: Implementation and Notice by Trial Courts of Closing Courtrooms or Clerks' Offices or Reducing Clerks' Office Hours (Report #9)	Information Only
	Date of Report
	January 12, 2012
Submitted by	Contact
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Executive Summary

In 2010, the Legislature enacted fee increases and fund transfers for the courts and also added section 68106 to the Government Code. In 2011, the Legislature enacted Assembly Bill 973, which amended section 68106 effective January 1, 2012. As amended, section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website and relay to the Legislature all such court notices. This is the ninth report providing information about the implementation of these notice requirements. Since the eighth report, two courts—Santa Clara and San Bernardino—have given such notice. Since section 68106 originally was added, on October 19, 2010, a total of 24 courts have given notice.¹

Two Courts' Notices Since the Last Report

- The Santa Clara court, effective February 6, 2012, is reducing clerks' office hours at the Santa Clara Courthouse. Rather than being open 8:30 a.m. to 7:00 p.m. Monday through Thursday, and 8:30 a.m. to 4:00 p.m. on Friday, that clerks' office now will be open

¹ All courts' notices are listed and posted at <http://www.courts.ca.gov/12973.htm>. A few courts have given more than one notice.

Monday through Friday, 8:30 a.m. to 4:00 p.m. A drop box will be available for deposit of documents after 4:00 p.m. which will be filed on the following court business day.²

- The San Bernardino court, effective April 2, 2012, is reducing the number of days that the Big Bear District Courthouse is open each month, currently 5 days per month during the first full week of each month, to 3 days per month, during the first week of each month. It will be open to the public for filings and hearings each Tuesday, Wednesday, and Thursday, 8:00 a.m. to 3:30 p.m., of the first full week of each month and closed all other days of the month. The type and number of cases at this courthouse will remain the same. A drop box will be provided for the receipt of documents during non-operational court hours and days. Filings will also be accepted at the clerk's office in Victorville on other court business days and hours.
- The San Bernardino court, effective April 9, 2012, also is reducing the number of court days at its Needles District Courthouse, currently 5 days per month during the *first* full week of each month, to 3 days per month during the *second* full week of each month. The type and number of cases at this courthouse will remain the same. The Needles District clerks' office will be open to the public 8:00 a.m. to 4:30 p.m. Monday through Friday during the second full week of each month, commencing the week of April 9, 2012, and the rest of the month will be open 8:00 a.m. to 1:00 p.m.³

Mandate in Government Code Section 68106 (Budget Act of 2010)

In providing fee increases and fund transfers for the courts, the Legislature in its Budget Act of 2010 expressly declared its intention that trial courts remain open to the public on days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements confirming this intent remain in Government Code section 68106, following its recent amendment.⁴ As amended, the section imposes the following notice 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."⁵ 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"⁶ 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.⁷ Courts expressly

² A copy of the Santa Clara court's notice is Attachment B to this report.

³ A copy of the San Bernardino court's notice is Attachment C to this report.

⁴ The full text of Government Code section 68106, as amended, is set forth in Attachment A.

⁵ Gov. Code, § 68106(c).

⁶ *Id.*, § 68106(b)(1).

⁷ *Id.*, § 68106(b)(1)–(b)(2)(A).

are *not* obligated to respond to comments received.⁸ If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, however, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the Judicial Council.⁹

- 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 the legislative Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.¹⁰

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 Office of the General Counsel (OGC) provided legal guidance regarding compliance. Trial courts have been requested to e-mail any such notices to the AOC’s Regional Administrative Director. At the start of this fiscal year and also before the December 2011 holidays, the AOC sent reminders concerning the statutory requirements to all presiding judges and court executives. On January 11, 2012, the AOC’s OGC also issued a statewide memorandum to all presiding judges and court executives describing the recent amendments to Government Code section 68106 and explaining the impact of those changes.

The AOC has placed on the home page of the California Courts website a “Quick Link” to a “Limited Court Service Days” page, which contains information about Government Code section 68106,¹¹ and all notices received from trial courts about courtroom or clerks’ office closures or reductions in clerks’ office hours that remain in effect. Since the last report to the council, the notices from the Santa Clara and San Bernardino courts have been added.

The AOC has forwarded these notices from these courts to the designated legislative leaders.

Attachments

1. Attachment A: Government Code section 68106
2. Attachment B: December 7, 2011, notice from the Santa Clara court
3. Attachment C: January 6, 2012, notice from the San Bernardino court

⁸ *Id.*, § 68106(b)(2)(B).

⁹ *Id.*, § 68106(b)(3).

¹⁰ *Ibid.*

¹¹ This page is available at <http://www.courts.ca.gov/12973.htm>

Government Code section 68106, as amended effective January 1, 2012.

(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, to the extent practicable, access to court services for civil litigants be preserved in the allocation of resources by and for trial courts.

(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 Santa Clara

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

DAVID H. YAMASAKI
Chief Executive Officer



Contact: Santa Clara Courthouse – (408) 556-3000

FOR IMMEDIATE RELEASE – DECEMBER 7, 2011

Change in Hours for Clerk's Office – Traffic Court Effective February 6, 2012

Location: Santa Clara Courthouse
1095 Homestead Road
Santa Clara, CA 95050

Currently, the Clerk's Office business hours at the Santa Clara Courthouse are Monday through Thursday, 8:30 a.m. to 7:00 p.m. and Friday, 8:30 a.m. to 4:00 p.m. **Effective February 6, 2012, the Clerk's Office business hours at the Santa Clara Courthouse will be 8:30 a.m. to 4:00 p.m., Monday through Friday, closed on Court Holidays.** Reduction in hours is required as a consequence of reduced staffing levels. Moving staff currently assigned to the Clerk's Office during night court sessions enables us to maintain our level of customer service during peak daytime hours and gain necessary efficiencies. This also enables us to be consistent with the Clerk's Office business hours already in effect at all other Court locations. With this change at the Santa Clara Courthouse, Clerk's Office business hours at all Court locations will be 8:30 a.m. to 4:00 p.m., Monday through Friday, closed on Court Holidays.

A document drop box is available to the public at the Clerk's Office for deposit of documents after 4:00 p.m., which will be filed on the following Court business day.

Night Court traffic arraignment hearings continue to be available and may be scheduled in person or by mail. Night Court is available to defendants whose cases are filed in the North and South County Courthouses as well as those whose cases are filed at the Santa Clara Courthouse, but all Night Court hearings will continue to be heard at the Santa Clara Courthouse only. Effective February 6, 2012, walk-in traffic arraignment hearings will only be available during the daytime court sessions; no walk-in traffic arraignment hearings will be heard at Night Court.

General information on scheduling a court hearing, signing up for traffic school, or paying a fine, is available on the Court's website, Traffic Court webpage at www.scscourt.org/court_divisions/traffic/traffic_home.shtml.



**Superior Court of California
County of San Bernardino**

Stephen H. Nash
Court Executive Officer

303 West Third Street, Fourth Floor
San Bernardino, CA 92415-0302

(909) 708-8767
Fax: (909) 708-8784

January 6, 2012

Ms. Jody Patel, Regional Administrative Director
Administrative Office of the Courts - Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

RE: NOTIFICATION PURSUANT TO GOVERNMENT CODE §68106

Dear Ms. Patel:

In accordance with Government Code § 68106, the Superior Court of California, County of San Bernardino provides notice of reduction of services as follows:

Big Bear District: The Big Bear Courthouse is currently open to the public the first full week of each month. Effective April 2, 2012, the Big Bear Courthouse will be open for public court operations and hearings each Tuesday, Wednesday and Thursday of the first full week of each month; this represents a reduction of two days per month. The Big Bear Courthouse will be closed on all other days of the month. The type and number of cases being heard in the Big Bear Courthouse will remain the same. The public service hours will be from 8:00 a.m. to 3:30 p.m. each Tuesday, Wednesday and Thursday of the first full week of each month, excluding court holidays.

Needles District: The Needles Courthouse is currently open to the public for court hearings the first full week of each month. Effective April 9, 2012, the Needles Courthouse will be open for court hearings each Tuesday, Wednesday and Thursday of the second full week of each month; this also represents a reduction of two days per month. The Needles courtroom will be closed on all other days of the month. The type and number of cases being heard in the Needles Courthouse will remain the same. The Clerk's Office will be open 8:00 a.m. to 4:30 p.m. each Monday, Tuesday, Wednesday, Thursday and Friday of the second full week of each month. On all other days of the month, the Clerk's Office public service hours will be from 8:00 a.m. to 1:00 p.m. each day, excluding court holidays.

These measures are being implemented as part of the Court's efforts to reduce operating costs consistent with substantial reductions to operating funds.

A copy of each public notice is attached.

Sincerely,



Stephen H. Nash
COURT EXECUTIVE OFFICER

SHN/ajh

Enclosures

cc: Hon. Ronald M. Christianson, Presiding Judge
Hon. Marsha Slough, Assistant Presiding Judge



Superior Court of California, County of San Bernardino
PUBLIC NOTICE

Courthouse – Needles District

PURSUANT TO GOVERNMENT CODE SECTION 68106 AND
RULE 10.620 OF THE CALIFORNIA RULES OF COURT

FOR IMMEDIATE RELEASE

DATE: January 6, 2012

**NOTICE OF REDUCTION IN COURTHOUSE AND CLERK'S OFFICE
HOURS AND DAYS OF OPERATION**

The Superior Court of California, County of San Bernardino intends to reduce the number of days and hours for the Superior Court located in Needles, California. The Court has taken this action due to severe ongoing budget reductions.

Effective the week of April 9, 2012, the **Needles District courthouse** will be open for public court operations and hearings each **Tuesday, Wednesday and Thursday** of the second full week of each month. The type and number of cases being heard in the Needles District courthouse will remain the same.

The hours of the Needles District clerk's office will be 8:00 a.m. to 4:30 p.m. Monday through Friday during the second full week of each month, commencing the week of April 9, 2012. The Needles District clerk's office will be open 8:00 a.m. to 1:00 p.m. all other business days except court holidays.

Drop boxes are provided to receive documents during the court hours/days the clerk's offices are closed.

This notice has been posted on the Court's website at www.sb-court.org.

All public comments must be sent via e-mail to the Presiding Judge of the Superior Court at needles@sb-court.org

Comments must be received by March 6, 2012.

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Superior Court of California, County of San Bernardino
PUBLIC NOTICE

Courthouse - Big Bear District

PURSUANT TO GOVERNMENT CODE SECTION 68106 AND
RULE 10.620 OF THE CALIFORNIA RULES OF COURT

FOR IMMEDIATE RELEASE

DATE: January 6, 2012

**NOTICE OF REDUCTION IN COURTHOUSE AND CLERK'S OFFICE
HOURS AND DAYS OF OPERATION**

The Superior Court of California, County of San Bernardino intends to reduce the number of days and hours for the Superior Court located in Big Bear, California. The Court has taken this action due to severe ongoing budget reductions.

Effective the week of April 2, 2012, the **Big Bear Courthouse** will be open for public court operations and hearings each **Tuesday, Wednesday and Thursday** of the first full week of each month. The Big Bear courthouse will be closed all other days of the month. The type and number of cases being heard in the Big Bear District courthouse will remain the same.

Also effective the week of April 2, 2012, the hours of the Big Bear District clerk's office will be 8:00 a.m. to 3:30 p.m. on Tuesday, Wednesday and Thursday during the first full week of each month. The clerk's office will be closed all other days of the month.

During the non-operational clerk's office hours/days, filings will be accepted at the Victorville District clerk's office, located at 14455 Civic Drive, Victorville, California.

Drop boxes are provided to receive documents during the court hours/days the clerk's offices are closed.

This notice has been posted on the Court's website at www.sb-court.org

All public comments must be sent via e-mail to the Presiding Judge of the Superior Court at bigbear@sb-court.org

Comments must be received by March 6, 2012.

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