



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 17, 2013

Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 17)	Information Only
	Date of Report
	January 10, 2013
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 17th 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 San Bernardino, Mendocino, and San Joaquin 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 40 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 16 prior informational reports listing such notices as they have been received.

Notices Received From Three Courts Since Last Report

This is the 17th 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:

- The Superior Court of **San Bernardino** County will reduce its clerk's office hours of operation. Presently, the clerk's office is open 8:00 a.m. to 4:00 p.m., Monday through Friday, except court holidays. Effective February 4, 2013, the public service hours for the clerk's office will be 8:00 a.m. to 3:00 p.m., Monday through Friday, except court holidays, and except for the clerk's office for the Juvenile Dependency Court and Juvenile Delinquency Court in San Bernardino. Effective February 4, 2013, the public service hours for the clerk's office for the Juvenile Dependency Court and Juvenile Delinquency Court in San Bernardino will be 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday, except court holidays. Drop boxes are provided to receive documents during the court hours the clerk's offices are closed
- The Superior Court of **Mendocino** County will *not* reduce services to the Ten Mile Court in Fort Bragg. The Court had issued a Notice of Temporary Reduction of Services on October 30, 2012. At a hearing in Fort Bragg on November 29, 2012, the Court announced that it would not reduce services to the Ten Mile Court in Fort Bragg and will continue all existing services in the Fort Bragg Court for fiscal year 2012–2013.
- Effective March 1, 2013, the Superior Court of **San Bernardino** County will no longer conduct Night Court for traffic infractions in any court district. Night Court is presently conducted once a month in each of the Barstow, Big Bear, Fontana, Joshua Tree, Needles, Rancho Cucamonga, San Bernardino and Victorville court districts. Drop boxes are provided in all court districts to receive fine payments by check or money order and traffic school proof of completion.
- Effective March 4, 2013, the Superior Court of **San Joaquin** County will close the Lodi Branch Court. The clerk's office and Department L-1 of the Lodi Branch Court will remain closed to the public until further notice. In October 2011, Department L-2 of the Lodi Branch Court was closed. With the closure of all court services in Lodi, cases being heard in Department L-1, including criminal cases, traffic court trials, and unlawful detainers will be heard at the main Stockton Courthouse located at 222 E. Weber Avenue, Stockton, CA 95202.

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

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 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

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.

³ Gov. Code, § 68106(c).

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).

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), 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.¹⁰ 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 San Bernardino County, December 4, 2012

Attachment C: Notice from the Superior Court of Mendocino County, December 10, 2012
(includes 12.10.12 release and original 10.30.12 release)

Attachment D: Notice from the Superior Court of San Bernardino County, December 28, 2012

Attachment E: Notice from the Superior Court of San Joaquin County, January 3, 2013

¹⁰ 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 San Bernardino

PUBLIC NOTICE

PURSUANT TO GOVERNMENT CODE SECTION 68106

FOR IMMEDIATE RELEASE

DATE: December 4, 2012

**NOTICE OF REDUCTION IN
CLERK'S OFFICE HOURS OF OPERATION**

The Superior Court of California, County of San Bernardino, intends to reduce the hours of operation for the clerk's office of the Superior Court. The Court has taken this action due to severe ongoing budget reductions.

The clerk's office of the Superior Court is presently open 8:00 a.m. to 4:00 p.m., Monday through Friday, except court holidays.

Effective Monday, February 4, 2013, the public service hours for the clerk's office of the Superior Court will be 8:00 a.m. to 3:00 p.m., Monday through Friday, except court holidays, and except for the clerk's office for the Juvenile Dependency Court and Juvenile Delinquency Court in San Bernardino.

Effective Monday, February 4, 2013, the public service hours for the clerk's office for the Juvenile Dependency Court and Juvenile Delinquency Court in San Bernardino will be 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday, except court holidays.

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

The decision to reduce the clerk's office hours of operation was made by the Presiding Judge of the Superior Court of California, County of San Bernardino. There are great financial exigencies facing all governmental entities in California and neither the Superior Court of San Bernardino County nor the California judicial system are exempt from having to deal with these extreme financial circumstances. After careful deliberation, the Presiding Judge has concluded that the changes set forth above constitute the most reasonable and measured way to begin to meet these financial challenges while minimizing the impact on the citizens of San Bernardino County and on the court's ability to provide equal access.

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 courthours@sb-court.org. Comments must be received by February 1, 2013.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MENDOCINO**



*Press Release
(For immediate release: December 10, 2012)*

**MENDOCINO COUNTY SUPERIOR COURT DECIDES NOT
TO REDUCE SERVICES IN FORT BRAGG COURT**

The Mendocino County Superior Court announced at a hearing in Fort Bragg on November 29, 2012 that it would not reduce services to the Ten Mile Court in Fort Bragg. The Court had given a "Notice of Temporary Reduction of Services" on October 24, 2012 as a cost saving measure due to severe cuts in the trial court budget. The Court is faced with a state-mandated budget reduction of approximately 27% over a two year period: from 2012 to 2013. The court had proposed to move all felony matters and some misdemeanor trials from Fort Bragg to Ukiah.

After receiving extensive feed back and comments from coastal residents explaining hardships the cutback in services would cause and listening to the testimony of coast residents on November 29, Presiding Judge Richard Henderson announced that the Court would not make the reductions at this time. The Court was persuaded by the strong input from people from the coast to continue all existing services in the Fort Bragg court for fiscal year 2012-2013. The hearing was held in the Fort Bragg City Council chambers before a packed house with seven of the Court's eight judges in attendance.

The Court is hoping that the proposed cuts for 2013-2014 will not be as severe as projected and enlisted the coast residents' help in attempting to convince the legislature

and the governor to restore some of the cuts to trial courts across the state in the next budget.

Judge Henderson said, "We have already cut 23 of the 79 employee positions we had in 2009 and almost all of those cuts have come from the main courthouse staff in Ukiah. We do not want to reduce services in Fort Bragg and will do all we can to avoid that result. Access to justice by the citizens of this county is suffering and will get worse unless cuts proposed in next year's budget are restored or offset in some way."



Superior Court of California
County of Mendocino

**NOTICE OF TEMPORARY REDUCTION
IN SERVICES
PURSUANT TO
GOVERNMENT CODE §68106**

FOR IMMEDIATE RELEASE

Date: October 30, 2012

NOTICE OF TEMPORARY REDUCTION IN COURT
SERVICES IN THE TEN MILE BRANCH,
FORT BRAGG COURT

Effective December 31, 2012

Severe budget reductions imposed by the State will compel the Superior Court of California, County of Mendocino to lay off personnel which will result in a temporary reduction of court services in the Ten Mile Branch Court in Fort Bragg. The State announced budget reductions of approximately \$768,675.00 to the local court for the current fiscal year, representing a cut of 17.3% from the last fiscal year. This current reduction brings the total cumulative reduction to 21.5% since 2008/2009.

Over the past three years the Court was able to implement required cuts in programs and other areas without reducing actual courtroom and counter services. With a budget of approximately \$5,348,462.00, however, the Court is not able to absorb the latest reductions without a reduction of salary and related personnel expenses (which together currently cost \$4,783,251.00, constituting approximately 89% of the entire court budget). Personnel layoffs may occur at both the Ukiah and Ten Mile Court locations.

The Court is currently in session at the Ten Mile Fort Bragg Branch Monday through Friday, hearing Civil (limited and unlimited), Criminal (felony and misdemeanor), Family Law, Juvenile, Probate, Small Claims and Traffic, with Court Clerk's Office hours Monday through Friday, 8:30 a.m. to 3:00 p.m. Commencing December 31, 2012, the Court will reduce its sessions at that location to three days weekly, Monday through Wednesday. Long cause Civil matters (Civil, Family Law and Probate), which commence on a Wednesday, may continue uninterrupted through Friday. Although the Court Clerk's Office at that location will remain open Monday through Friday, its hours will be from 8:30 a.m. to 1:00 p.m. for filing of papers, inspection of files and other clerical business. The Court will no longer conduct hearings in

criminal felony and in juvenile matters at the Ten Mile Branch in Fort Bragg. In addition, the Ten Mile Court will no longer hear jury trials or in-custody matters.

Effective December 31, 2012, the following reduced courtroom schedule will apply at the Ten Mile Branch in Fort Bragg:

- **MONDAY**
 - 8:30 a.m. **Criminal** - Arraignments
 - 9:00 a.m. **Criminal** - Pleas, Pre-Trial Conferences, Motions, Hearings, Settings, Judgment & Sentencing and Violations of Probation
 - 1:15 p.m. **Civil and Family Law** - Ex Partes
 - 1:30 p.m. **Criminal** - Pleas, Pre-Trial Conferences, Motions, Hearings, Settings, Judgment & Sentencing, Violations of Probation, Expungements, and Proof of Court Ordered Requirements

- **TUESDAY**
 - 8:30 a.m. **Criminal** - Arraignments
 - 9:00 a.m. **Criminal** - Pleas, Pre-Trial Conferences, Motions, Hearings, Settings, Judgment & Sentencing and Violations of Probation
 - 1:15 p.m. **Civil and Family Law** - Ex Parte Hearings
 - 1:30 p.m. **Civil (Limited and Unlimited)** – Short Cause, Non-Contested, Harassment Restraining Orders, Unlawful Detainers and Law and Motion Hearings
 - 1:30 p.m. **Probate** – Calendar Matters and Evidentiary Hearings
 - 1:30 p.m. **Family Law** - Domestic Violence Restraining Orders – without children

- **TUESDAY 2nd and 4th**
 - 1:30 p.m. **Small Claims** – Trials and Law and Motion

- **WEDNESDAY 1st and 3rd**
 - 8:30 a.m. **Civil (Limited and Unlimited)** – Long Cause, Contested, Harassment, Unlawful Detainers, Law and Motion
Family Law – Domestic Violence Restraining Orders – without children, Motions, Evidentiary Hearings and Court Trials
Probate – Continued Hearings
 - 1:30 p.m. **Civil (Limited and Unlimited)** – Continued Hearings
Family Law – Domestic Violence Restraining Orders – without children, and Continued Hearings
Criminal – Court Trials
 - 2:00 p.m. **Civil and Family Law** – Settlement Conferences

- **WEDNESDAYS 2nd and 4th**
 - 9:00 a.m. **Traffic** – Court Trials
 - 9:30 a.m. **Traffic** - Arraignments
 - 1:30 p.m. **Civil (Limited)** – Harassment and Unlawful Detainers
Criminal – Court Trials
 - 2:00 p.m. **Civil and Family Law** – Settlement Conferences

- **THURSDAYS**
 - 8:30 a.m. **Civil (Limited and Unlimited)** – Continued Hearings
Family Law – Continued Hearings
Probate – Continued Hearings

- **THURSDAYS 3rd (every other month in Point Arena)**
 - 9:00 a.m. **Criminal (Misdemeanor)** – Arraignments, Pleas, Pre-Trial Conferences, Motions, Hearings, Settings, Judgment & Sentencing and Violations of Probation
Traffic – Arraignments and Court Trials
Small Claims – Trials and Law and Motion

- **FRIDAYS**
 - 8:30 a.m. **Civil (Limited and Unlimited)** – Continued Hearings
Family Law – Continued Hearings
Probate – Continued Hearings

The judges and court staff have made every effort over the past three or four years to implement mandated budget reductions without reducing actual in-court services. The dedicated court staff has seen its actual wages and benefits effectively frozen and, in some cases, reduced and its individual workload increased over the last three years. So long as the Governor and State Legislature continue to reduce the Judicial Branch budget, the local courts have no alternative but to reduce court services. The Court has no other source of revenue.

The Superior Court of California, County of Mendocino is committed to ensuring open access to a system of unified and equal justice for all. The Court will do its best to minimize the overall impact and make the transition as easy as possible.

Public comments regarding the above changes are welcome and may be submitted by e-mail to: TENMILEREDUCTIONS@MENDOCINO.COURTS.CA.GOV or by regular mail to the attention of: Court Administration at 100 N. State Street; Ukiah, CA 95482 no later than 5:00 p.m. December 30, 2012. The Court will conduct a public meeting on Thursday, November 29, 2012, beginning at 5:30 p.m., at its Ten Mile Branch in Fort Bragg to discuss the local court budget and the reduction in court services

**For additional information regarding this press release,
please contact Court Administration at: (707) 467-6437.**



Superior Court of California, County of San Bernardino

PUBLIC NOTICE

PURSUANT TO GOVERNMENT CODE SECTION 68106

FOR IMMEDIATE RELEASE

DATE: December 28, 2012

NOTICE OF DISCONTINUATION OF "NIGHT COURT"

The Superior Court of California, County of San Bernardino, intends to discontinue its operation of "Night Court" for traffic infractions. The Court has taken this action due to severe ongoing budget reductions.

"Night Court" is presently conducted once a month in each of the Barstow, Big Bear, Fontana, Joshua Tree, Needles, Rancho Cucamonga, San Bernardino and Victorville court districts. Effective March 1, 2013, the Court will no longer conduct "Night Court" in any court district.

Drop boxes are provided in all court districts to receive fine payments by check or money order and traffic school proof of completion.

California faces a financial crisis of historical proportions and neither the Superior Court for San Bernardino County nor the California judicial system is exempt from having to deal with the crisis. After careful deliberation, the Presiding Judge of the Superior Court for San Bernardino County has concluded that the changes set forth above are one of the most reasonable and measured ways to meet the Court's extremely difficult financial challenges.

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 nightcourt@sb-court.org. Comments must be received by February 26, 2013.

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The Superior Court
COUNTY OF SAN JOAQUIN
222 E. WEBER AVENUE, ROOM 303
STOCKTON, CALIFORNIA 95202

TELEPHONE
(209)468-2827
WEBSITE
www.stocktoncourt.org

January 3, 2013

PUBLIC NOTICE

SAN JOAQUIN COUNTY SUPERIOR COURT TO CLOSE LODI BRANCH COURT

Pursuant to Government Code Section 68106, the Superior Court of California, County of San Joaquin is providing notice of the Court's decision to close the Lodi Branch Court.

Unprecedented budget cuts over the last several years have required the court to make very difficult decisions with regard to court operations. The court now finds it necessary to close all court services in Lodi. Effective Monday, March 4, 2013, the clerk's office and Department L-1 of the Lodi Branch Court will be closed to the public until further notice. In October 2011, Department L-2 of the Lodi Branch Court was closed.

With the closure of all court services in Lodi, cases being heard in Department L-1, including criminal cases, traffic court trials, and unlawful detainers will be heard at the main Stockton Courthouse located at 222 E. Weber Avenue, Stockton, CA 95202.

If you have any comments regarding this action, please send them in writing by March 4, 2013 to Stephanie Bohrer, Management Analyst at sbohrer@courts.san-joaquin.ca.us or 222 E. Weber Avenue, Room 303, Stockton, CA 95202.

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