



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 February 28, 2012

Title

Government Code Section 68106:
Implementation and Notice by Trial Courts of
Closing Courtrooms or Clerks' Offices or
Reducing Clerks' Office Hours (Report #10)

Agenda Item Type

Information Only

Date of Report

February 10, 2012

Submitted by

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Office of the General Counsel

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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 tenth report providing information about the implementation of these notice requirements. Since the ninth report, two courts—San Mateo and Merced—have given such notices. 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

- Effective April 2, 2012, the Traffic Divisions of the Superior Court of San Mateo County, including the traffic clerk's offices, located at 800 N. Humboldt Street in San Mateo and 1050 Mission Road in South San Francisco, will be consolidated and relocated to the Traffic Division at 500 County Center in Redwood City. All traffic arraignment calendars

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.

will be heard at the Redwood City location; however traffic court trials will continue to be heard at the three court branch locations based on the appropriate geographic jurisdiction. All traffic-related filings and correspondence must be submitted to the consolidated Traffic Clerk's Office at 500 County Center, Redwood City, Ca 94063 either in person during regular business hours (8:00 a.m. – 3:30 pm Monday – Friday) or by mail.

- On Friday, April 6, 2012 and Monday, April 9, 2012, the Merced court will have limited operation days. On those days, all Clerk's offices and all but two courtrooms will be closed. Courtroom 5 in the main courthouse will remain open with a judge available to conduct criminal arraignments and examinations as required by law and to sign any documents on an emergency basis. In addition, a second courtroom will remain open in the Juvenile Division to handle time-sensitive juvenile matters. A document drop box will be available at each court location to receive documents for same day filing. Filing deadlines will not be extended due to the limited operation days.

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.² 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."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, however, it must "immediately provide notice to the public" by posting and distributing "a revised

² The full text of Government Code section 68106, as amended, is set forth in Attachment A.

³ Gov. Code, § 68106(c).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1)–(b)(2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

notice” using the procedure previously described, including distribution to the Judicial Council.⁷

- 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.⁸

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 68106,⁹ 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 notice from the San Mateo and Merced 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: January 19, 2012, notice from the San Mateo
3. Attachment C: February 7, 2012, notice from Merced

⁷ *Id.*, § 68106(b)(3).

⁸ *Ibid.*

⁹ 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 SAN MATEO

HALL OF JUSTICE
400 COUNTY CENTER
REDWOOD CITY, CALIFORNIA 94063-1655

JOHN C. FITTON
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 363-4516
FAX (650) 363-4698
www.sammateocourt.org

January 19, 2012

Ms. Jody Patel
Regional Administrative Director
Regional Office
Judicial Council of California - Administrative Office of the Courts
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833-4336

Re: Notification Pursuant to Government Code Section 68106

Dear Ms. Patel:

Effective April 2, 2012, all of our clerk's office traffic operations will be consolidated at the Southern Traffic Annex in Redwood City. We will no longer hold traffic arraignments at our San Mateo or South San Francisco branch courts and all traffic arraignments will be held only at our Southern Branch. Traffic court trials will continue to be heard at the South San Francisco, San Mateo and Redwood City branches for the time being. These actions are made necessary due to the severe and ongoing court revenue reductions from the State. The current year's reduction brings the cumulative cuts of 30% to the judicial system over the last three fiscal years.

Specific changes are as follows:

Effective April 2, 2012, the Traffic Divisions, including the traffic clerk's offices, located at 800 N. Humboldt Street in San Mateo and 1050 Mission Road in South San Francisco, will be consolidated and relocated to the Traffic Division at 500 County Center in Redwood City. All traffic arraignment calendars will be heard at the Redwood City location; however traffic court trials will continue to be heard at the three court branch locations based on the appropriate geographic jurisdiction.

Effective April 2, 2012, all traffic-related filings and correspondence must be submitted to the consolidated Traffic Clerk's Office at 500 County Center, Redwood City, CA 94063 either in person during regular business hours (8:00 a.m. – 3:30 p.m. Monday - Friday) or by mail.

Pursuant to Government Code section 68106, the public may submit comments regarding these changes. I'm attaching the related public notice that will be posted in our facilities

Ms. Jody Patel
January 19, 2012
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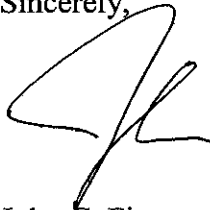
by the end of this month, which includes information about the process for submitting comments.

The court greatly regrets the necessity of reducing these services. Since 2008, unprecedented and ongoing reductions in State court funding have necessitated the reduction of 24% of our court's workforce. By April 2012, our workforce will be reduced even further in order to operationalize the funding cuts of the current fiscal year and reasonably prepare for the challenges of the next fiscal year. The Court has worked diligently to continue to prioritize public safety issues and meet the essential needs of court users and litigants while reducing expenses to stay in line with our authorized level of funding. Steps the Court has already taken to combat the shortfall have been considerable, including cutting all non-personnel costs, renegotiating service contracts, consolidating trial court services, reducing employee's wages due to the mandated court closures, increased benefit contributions and significant reductions in our workforce through normal attrition, incentive programs and layoffs. We've also spent a sizable portion of our reserves and have recently offered our court employees an incentive program to reduce our workforce through personal choice and protect our employee's job security. With significantly fewer employees to handle the work of the court, we must continually take steps to balance our essential court workload as we strive to become even more efficient and operate within our means.

Again, these changes are required to allow us to maintain as our top priority the protection of public safety, to continue to strive to keep our felony and misdemeanor trial calendars current and maintain the most essential court services with our reduced funding and workforce.

Please contact me at (650) 363-4516 if you have any questions regarding these changes.

Sincerely,



John C. Fitton
Court Executive Officer

cc: Judge Beth Labson Freeman, Presiding Judge
Rodina Catalano, Deputy Court Executive Officer

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

PUBLIC NOTICE

(Pursuant to Government Code section 68106)

TRAFFIC DIVISION CONSOLIDATION

Effective April 2, 2012, the Traffic Clerk's Offices located at 800 N. Humboldt Street in San Mateo and 1050 Mission Road in South San Francisco, will be consolidated and relocated to the Traffic Division at 500 County Center in Redwood City. All traffic arraignment calendars will be heard at the Redwood City location; however traffic court trials will continue to be heard at the three court branch locations based on the appropriate geographic jurisdiction.

This change is a result of unprecedented and ongoing State budget cuts. With the recent reduction, this year's budget for the judicial branch, as passed by the California Legislature, has been reduced by 30% and the San Mateo Superior Court workforce has been reduced by 24%. By April 2012, our workforce will be reduced even further. Please know that we remain committed to serving our court customers to the best of our ability given our limited staffing and resources.

Effective April 2, 2012, all traffic related filings and correspondence must be submitted to the consolidated Traffic Clerk's Office at 500 County Center, Redwood City, CA 94063 either in person during regular business hours (8:00 a.m. – 3:30 p.m. Monday - Friday) or by mail.

The public is invited to 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.sanmateocourt.org (click on "Invitation to Comment") For those without easy internet access, comments may be mailed to:

Superior Court of California, County of San Mateo
Attn: Rodina Catalano, Deputy Court Executive Officer
400 County Center, Room A
Redwood City, CA 94063

All comments must be received no later than March 30, 2012.

ATTENTION

Superior Court of California County of Merced

**Public Notice pursuant to Government Code section 68106
Limited Operation Days –Friday, April 6, 2012 and Monday, April 9, 2012.**

The Superior Court of California, County of Merced will have limited operation days on Friday, April 6, 2012 and Monday, April 9, 2012. These two limited operation days also coincide with the furlough days being taken by the County of Merced.

On the limited operation days, all Clerk's offices and all but two courtrooms will be closed. One courtroom will remain open in the main courthouse, Courtroom 5, with a judge available to conduct criminal arraignments and examinations as required by law and to sign any documents on an emergency basis. In addition, a second courtroom will remain open in the Juvenile Division to handle time-sensitive juvenile matters. A document drop box will be available at each court location to receive documents for same day filing. Filing deadlines will not be extended due to the limited operation days.

Over the past four years the California Judicial Branch budget has been reduced by \$653 million in ongoing reductions. In Fiscal Year 2011–2012 alone, the Legislature and Governor approved a permanent \$350 million dollar reduction to the branch budget. The Merced Superior Court must absorb a 6.8% budget reduction for fiscal year 2011-12, and further reductions for fiscal year 2012-13. The Court reduced its Clerk's office hours to the public in October 2011. Court employees also have had a 4.5% reduction in salary since August 2011. Several vacant positions remain unfilled for cost savings purposes.

If you have any comments regarding this action, please send them in writing to Linda Romero Soles, Court Executive Officer at 627 W. 21st Street, Merced, CA 95340 by Friday, April 6, 2012.