



Judicial Council of California Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 26, 2012

Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 15)	Information Only
	Date of Report
	October 16, 2012
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 15th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, nine superior courts—those of Kings, San Mateo, Amador, Calaveras, Ventura, Contra Costa, El Dorado, San Diego, and Sutter 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 38 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 14 prior informational reports listing such notices as they have been received.

Notices Received From Nine Courts Since Last Report

This is the 15th 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 nine trial courts:

- The Superior Court of **Kings** County will temporarily close all courtrooms and clerks' offices at the Avenal and Corcoran Courthouses between December 24, 2012, and January 1, 2013. On December 24, 2012, the Hanford Courthouse will close at noon. A filing drop box will be available at the clerk's office and documents deposited before 4:00 p.m. will be deemed filed on that date. Documents received after 4:00 p.m. on December 24, 2012, will be deemed filed on December 26, 2012.

From December 26 through December 31, 2012, staffing of all departments of the Hanford Courthouse will be reduced. The court will conduct only emergency proceedings in a maximum of two courtrooms during this period. Clerk's office hours of operation will not change; however, longer processing and response times may be experienced. On December 25, 2012 and January 1, 2013, the Hanford Courthouse will be closed for Christmas and the New Year, respectively.

- Effective November 1, 2012, the Superior Court of **San Mateo** County will no longer hear complex civil litigation and CEQA matters at the Central Branch location; they will be conducted at the Hall of Justice in Redwood City. All complex civil litigation and CEQA filings must be submitted to the Civil Clerk's Office at the Redwood City location either in person during regular business hours (Monday through Friday, 8:30 a.m. to 3:30 p.m.) or by mail. A drop box is also available at this location, outside Room A.

Effective November 1, 2012, family law calendars will no longer be heard at the Northern Branch location in South San Francisco. The Wednesday morning OSC/motion calendar and the Domestic Violence Prevention Act (DVPA) calendars heard on Friday will be heard at the Hall of Justice in Redwood City.

Effective November 1, 2012, the Northern Branch Criminal Clerk's Office will no longer accept domestic violence or civil harassment restraining orders for filing. Domestic violence restraining orders must be submitted to the Family Law Clerk's Office, located at the Hall of Justice, and civil harassment restraining orders must be submitted to the Civil Clerk's Office in Room A of the Hall of Justice. Documents may be submitted either in person during regular business hours (Monday through Friday, 8:30 a.m. to 3:30

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

p.m.) or by mail. A drop box will remain available at the Northern Branch outside the Criminal Clerk's Office.

- Effective November 13, 2012, the Superior Court of **Amador** County will reduce its clerk's office hours of operation—currently open Monday through Friday from 9:30 a.m. to 4:00 p.m.—to Monday through Thursday: 9:30 a.m. to 3:00 p.m.; Fridays from 9:30 a.m. to 12 noon. A drop box will be available to receive documents for same-day filing Monday through Friday. Documents deposited in the drop box up to and including 5:00 p.m. on a court day is deemed to have been deposited for filing on that day. Documents dropped after 5:00 p.m. will be received and filed the following court business day.
- The Superior Court of **Calaveras** County will offer limited service on the following days in 2012: November 21, December 24, and 31; and in 2013 on January 18, February 11 and 15, March 29, May 24, July 5, and July 8. On these days, the clerk's office will be open from 9:00 a.m. to 12:00 p.m. to receive payments in criminal and traffic matters only. A drop-box will be provided to accept documents for filing with the court. All documents placed in the drop-box prior to 4:30 p.m. will receive a "Filed" date equal to the date deposited. One department will remain open to hear all mandatory last-day criminal matters, in custody criminal arraignments, juvenile detention hearings, and handle other emergency matters only. All other matters will be heard on the next available court day.
- The Superior Court of **Ventura** County will close a majority of the courtrooms and all of the clerk's offices on the following 2012 dates: November 21; December 24, 26, 27, 28 and 31. Documents for filing papers or submitting payments placed in the drop boxes currently provided outside each clerk's office by 5:00 p.m. are deemed deposited for filing that same business day. An exterior walk-up window on the north side of the Hall of Justice at the Government Center will be open until 6:45 p.m. and the East County Courthouse walk-up window will be open until 4:45 p.m. for handling criminal/traffic and collections payments only. Limited courtrooms will be open to hear urgent criminal, juvenile, unlawful detainer, and temporary restraining order issues.
- Effective November 1, 2012, the Superior Court of **Contra Costa** County will close the family law courtroom at the Arnason Justice Center in Pittsburg and cases will be reassigned to the existing family law departments in Martinez. The Child Support Courtroom in Martinez will be closed on December 3, 4, 5, and 7 and from December 17 through 31; effective January 2, 2013, it will resume Tuesdays through Fridays, closed Mondays.

Effective December 3, 2012, the Juvenile Law Courtroom in Pittsburg will be closed and cases will be reassigned to an existing judge in Martinez. In addition, the Juvenile Law Courtroom in Richmond will be closed and the judge reassigned to Martinez.

Effective January 2, 2013, the following steps will take effect. One civil trial department will be closed, and the Civil Discovery/Ex Parte courtroom in Martinez will be closed. Cases will be heard by the remaining Martinez civil trial departments. The Concord courthouse will close with traffic cases to be transferred to the Walnut Creek Court and the remaining case types (small claims, unlawful detainer, domestic violence, and civil harassment) transferred to Martinez. Only traffic cases from Concord and Walnut Creek will be heard in Walnut Creek; all criminal, small claims, unlawful detainer, domestic violence, and civil harassment cases from the Walnut Creek court will be transferred to Martinez. Two commissioners will hear traffic cases in Pittsburg, Richmond, and Walnut Creek and court reporting services will be eliminated in civil, family law, and probate courtrooms. Specialty courts such as Juvenile Night Court, Juvenile and Adult Drug Court, Domestic Violence Court, Homeless Court, Behavioral Mental Health Court, and Elder Court, may be consolidated or eliminated.

Effective immediately, interpreters in domestic violence matters in family court will only be provided to the extent grant funding allows. Effective November 12, 2012, clerk's offices will be open from 8:00 a.m. to 1:00 p.m. (reduced from 8:00 a.m. to 3:00 p.m.), with exceptions for temporary restraining orders and other urgent matters that address the safety of individuals. Also effective November 12, 2012, self-help services will be available from 8:00 a.m. to 1:00 p.m. (reduced from 8:00 a.m. to 3:00 p.m.) in the Spinetta Family Law Courthouse in Martinez and the number of workshops for self-represented litigants will be reduced.

Effective January 2, 2013, the number of traffic night court calendars now held in four branch court locations will be reduced to a single calendar, one night per month, and only in Walnut Creek, with an announcement of schedule when available, and the number of small claims night court calendars now held in four branch court locations will be reduced to a single calendar, one night per month, and only in Martinez, with an announcement of schedule when available.

- The Superior Court of **El Dorado** County will limit its operation in 2012 on December 24 through 28, and December 31, 2012, and in 2013 on January 2, 3 and 4. On the limited operation days, all clerk's offices and all but two courtrooms will be closed. The Placerville Building C (Dept. 7) and South Lake Tahoe (Dept. 3) branches will remain open. At each courtroom a judge will be available to conduct arraignments and examinations, to handle time-sensitive juvenile matters, and to sign any necessary documents on an emergency basis, as required by law.

Document drop boxes will be available at 295 Fair Lane, Placerville and 1354 Johnson Blvd., South Lake Tahoe to permit same-day filing of documents deposited there before 4:00 p.m. Drop boxes at the Main Street Placerville and Cameron Park courthouses will be closed. Fax filing through Official Payments will not be available during the limited operation days.

- Effective November 19, 2012, the Superior Court of **San Diego** County will close the one independent calendar civil South County Division courtroom in Chula Vista. Civil Harassment/Elder Abuse matters will be the only civil matters heard in the South County Division. All other existing South County cases will be transferred to the Central Division.

One of two independent calendar civil courtrooms in the East County Division will also be closed effective November 19, 2012. Civil cases other than small claims will continue to be heard in the remaining independent calendar civil courtroom. Civil harassment/elder abuse cases will also continue to be heard in the East County Division.

At the end of business on December 28, 2012, the civil business office operations at the East County Division and South County Division locations will be closed. Beginning November 5, 2012, the East and South County Division business offices will no longer accept filings in new civil cases and petitions (including small claims), with the exception of civil harassment/elder abuse cases. Beginning November 19, 2012, the East and South County business offices will no longer accept any civil filings, except those in civil harassment/elder abuse cases. Beginning December 14, 2012, small claims actions will no longer be heard at the East and South County Divisions; those actions will be heard at the Central Division Kearny Mesa branch.

- The Superior Court of **Sutter** County will close all clerks' offices and courtrooms on the following days in 2012: November 21; December 24 through 28, and December 31. On the listed days, the clerk's office in Yuba City will be open to receive emergency filings. One courtroom will remain open at the Yuba City location, with a judge available to conduct arraignments and examinations as required by law, and to handle any emergency matters. Documents deposited in the drop box provided at the security station at the Yuba City location between 8:30 a.m. and 4:00 p.m. will be deemed deposited for filing that day.

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 Office of the General Counsel (OGC) offered legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail any such notices to Debora Morrison, OGC Senior Attorney, who has provided legal review of the courts’ notices since Government Code section 68106 first took effect in 2010. On January 11, 2012, OGC also issued a memorandum to all presiding judges and court executive officers statewide to summarize the amendments to section 68106 that took effect on January 1 and explain their impact. OGC has not issued a similar memorandum for the most recent amendment, as it did not change requirements for the courts.

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 Limited Court Service Days page (www.courts.ca.gov/12973.htm), which contains a summary of Government Code section 68106 and all notices from trial courts about closures of courtrooms or clerks’ offices and reductions in clerks’ office hours. Since the previous report to the council, the notices from the Plumas, San Bernardino, Fresno, Placer, Lake, and Napa courts detailed above in this report have been added to the web page. The AOC has also forwarded the notices from these courts to the designated legislative leaders.

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).

Attachments

1. Attachment A: Government Code section 68106, effective June 27, 2012
2. Attachment B: Notice from the Superior Court of Kings County—August 22, 2012
3. Attachment C: Notice from the Superior Court of San Mateo County—August 31, 2012,
4. Attachment D: Notice from the Superior Court of Amador County— September 11, 2012
5. Attachment E: Notice from the Superior Court of Calaveras County—September 11, 2012
6. Attachment F: Notice from the Superior Court of Ventura County—September 13, 2012
7. Attachment G: Notice from the Superior Court of Contra Costa County—September 28, 2012 (after giving related notices on August 21, August 28, and September 14, 2012)
8. Attachment H: Notice from the Superior Court of El Dorado County— September 20, 2012
9. Attachment I: Notice from the Superior Court of San Diego County— September, 20, 2012
10. Attachment J: Notice from the Superior Court of Sutter County—September 24, 2012

