



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 29, 2016

Title

Government Code Section 68106: Public
Notice by Courts of Closures or Reduced
Clerks' Office Hours (Gov. Code, § 68106—
Report No. 37)

Agenda Item Type

Information Only

Date of Report

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Submitted by

Jody Patel, Chief of Staff
Amber Barnett, Principal Manager
Leadership Services Division

Contact

Amber Barnett, 916-263-1398
amber.barnett@jud.ca.gov

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 37th 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 Siskiyou and Ventura 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 36 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 37th 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 from two trial courts:

1. The Superior Court of **Siskiyou County** provided public notice that the court will cease daily court clerk operations in Dorris beginning September 2, 2016, for all purposes other than operations in support of court sessions which are held on the first Monday of each month only (except for court holidays). The court will continue to hold court sessions in Dorris on the first Monday each month for infraction cases, small claims, and misdemeanor arraignments. When the first Monday is a holiday, court sessions are held on the second Monday of the month. One Monday each month the court will be open from 9:30 a.m. to 12 p.m. and 1:00 p.m. to 3:30 p.m., and filings will be accepted during those times. All court filings can be mailed to the Superior Court at 311 4th Street, Yreka, California 96097. (**Attachment B**)
2. Effective July 11, 2016, the Superior Court of **Ventura County** will **extend** its clerk's office's regular business hours to the public from 8:00 a.m. to 4:00 p.m. Currently the clerk's office and its filing counters close at 3:00 p.m. Effective September 1, 2016, the court will discontinue the use of all drop boxes as a method for delivering documents for filing. Electronic or fax filing will be available as a method for delivering documents for filing only until 4:00 p.m. (**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

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).

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

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 Siskiyou, June 20, 2016

Attachment C: Notice from the Superior Court of Ventura, June 27, 2016

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).

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 Siskiyou**

**311 4th Street
Yreka, California 96097**

Mary Frances McHugh, Court Executive Officer
(530) 842-0199 Telephone
(530) 842-8339 Fax
mchugh@siskiyou.courts.ca.gov

**Notice Ceasing Daily Court Clerk
Operations in the City of Dorris, California.**

PUBLIC NOTICE PURSUANT TO GOVERNMENT CODE §68106

FOR IMMEDIATE RELEASE

DATE: JUNE 20, 2016

Effective 5:00PM on September 2, 2016, the Siskiyou County Superior Court is changing the hours of the clerk's office in Dorris, California. The court will cease daily court clerk operations in Dorris on September 2, 2016, for all purposes other than for operations in support of court sessions which are held on the first Monday of each month only (except for court holidays). This is a reduction of clerk office hours and this notice of the reduction is given pursuant to Government Code Section 68106.

The court will continue to hold court sessions in Dorris on the first Monday each month for infraction cases, small claims, and misdemeanor arraignments. When that first Monday is a holiday, court sessions are held on the second Monday of the month. One Monday each month the court will be open from 9:30am to noon and 1:00pm to 3:30pm and filings will be accepted during those times. All court filings can be mailed to the Superior Court at 311 4th Street, Yreka, California 96097.

The proposed change is necessary due to the following:

1. Siskiyou Superior Court's state revenues have fallen by 20% over fiscal year 2015-16 and traffic citations have dropped precipitously since January and are 30% lower than the same time at prior years.
2. Since Premier West Bank closed in Dorris in 2012, there is no bank available in the City of Dorris and the Dorris Branch has been unable to accept any payments, as there is no banking institution available for deposits. The court now offers credit card and debit card payments at Yreka and online.

Public comments regarding this notice should be submitted via e-mail to Court Executive Officer Mary Frances McHugh at mchugh@siskiyou.courts.ca.gov or by letter to the above address.

/mfm



PUBLIC NOTICE

(Government Code §68106)

Superior Court of California, County of Ventura Discontinuance of Drop Boxes and Reduction in Electronic or Fax Filing Hours

Pursuant to *Government Code* §68106, the Superior Court of California, County of Ventura, is providing sixty (60) days notice of its intent to discontinue the use of drop boxes as a method for delivering documents for filing, and to reduce the hours during which electronic or fax filing is a method for delivering documents for filing.

Currently, the clerk's office and its filing counters close at 3:00 pm, but parties may place documents in the court's drop boxes until 4:30 pm, or may submit documents through electronic or fax filing until 5 pm, and such documents will be deemed filed that same court day.

Effective July 11, 2016, the court will extend its clerk's office's regular business hours. The clerk's office and its filing counters will be open to the public from 8:00 am - 4:00 pm.

Pursuant to this notice, effective September 1, 2016, the court will discontinue the use of all drop boxes as a method for delivering documents for filing. In addition, electronic or fax filing will be available as a method for delivering documents for filing only until 4:00 pm.

All documents received by the court for filing before 4:00 pm, regardless of the method of delivery, will be deemed filed that same court day, subject to the document's compliance with applicable standards. All documents received by the court for filing after 4:00 pm, regardless of the method of delivery, will be deemed filed the next court day, subject to the document's compliance with applicable standards.

Providing the same filing hours, regardless of the method of delivery, will eliminate confusion and promote consistency. These changes comply with *California Rules of Court*, rules 2.210 and 2.250(b)(10).

Anyone wishing to comment on this proposed plan may do so, either by regular mail or e-mail, by August 26, 2016. Please direct your response to:

Michael D. Planet, Court Executive Officer
P.O. Box 6489
Ventura, CA 93006-6489
or
dropboxresponse@ventura.courts.ca.gov