

First Supplement to Memorandum 2014-56

Trial Court Unification: Publication of Legal Notice (Public Comment)

In Memorandum 2014-56,¹ the staff presented different approaches to resolve the issue of judicial district notice publication requirements. During the preparation of that memorandum, the staff reached out to twelve counties, seeking maps and ordinances describing the former judicial district boundaries.²

Since the preparation of the original memorandum, the staff has received several responses from the counties. This supplement presents a summary of the information received from the counties to date.

Unless otherwise noted, all statutory citations in this supplement are to the Government Code.

INFORMATION RECEIVED FROM COUNTIES

The staff requested judicial district ordinances and district boundary maps from twelve counties.³ At this point, the staff has received maps from six of the counties⁴ and complete ordinance information from three of the counties that provided a map.⁵ This suggests that the relevant historical records will be difficult to obtain.

The staff also has concerns about the quality and format of the information that has been received. Some of those concerns are discussed below.

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Memorandum 2014-56, p. 10.

3. *Id.* at 10, 12-13.

4. Butte, Contra Costa, Fresno, Los Angeles, Mendocino, and Modoc.

5. Fresno, Los Angeles, and Modoc.

ORDINANCES

Under former law, counties were responsible for establishing judicial districts and describing their boundaries.⁶ Generally, the counties appear to have described their judicial districts in their codes.⁷ Although the county code presumably would not describe the former judicial districts that were preserved by Section 71042.5, those districts could probably be determined by a thorough tracing of the relevant historical ordinances.

Despite the need for tracing, the staff believes that county ordinances are the best authoritative source for determining the districts preserved by Section 71042.5.

Generally, the staff's experience suggests that counties do maintain historic ordinance information, although there may be exceptions to that rule. (Specifically, in at least one case, the historical ordinance information does not appear to be available from any of the offices the staff has contacted to date.)

Once the proper point of contact is found, requesting the ordinances is generally relatively straightforward. As noted previously, the staff has only received complete ordinance information from three counties. In some instances, the remaining counties require payment of a small fee or a more formal request before searching their records for the requested ordinances. In another case, accessing historical ordinances would require an in-person visit to the county's archives.

The biggest challenge in working with the district boundary descriptions in the ordinances is that these descriptions are often complicated and difficult to use.⁸ The written boundary descriptions employ a variety of different boundary descriptors, some of which will require other historical resources to interpret. For instance, in some cases, the district boundaries are described by reference to other materials that may also be difficult to access (e.g., old jurisdictional boundaries, other maps held by the county).⁹

6. See Memorandum 2014-56, pp. 11-13.

7. *Id.*

8. See generally *id.* at p. 13.

9. *Id.*

MAPS

Section 71042.6 requires a county to prepare a map of the prior component judicial districts at the time of consolidation. Section 71042.6 also requires the map to be kept on file with the county recorder.

If such maps could be accessed easily, they would be the ideal resource for this research task. Unfortunately, the Section 71042.6 maps do not appear to be readily available.

The staff found that accessing the correct map (the one prepared pursuant to Section 71042.6) is not a simple matter. The staff sent map requests to twelve county recorder's offices and received maps from six different counties. Only one of the maps received clearly indicates that it was prepared in accordance with Government Code Section 71042.6.

Comparing the maps with the number of judicial districts in 1967, the staff found that none of the maps appears to describe all of the judicial districts in existence when Section 71042.5 went into effect. Thus, none of the maps appear to comport with the strict application of Section 71042.5, as understood by the staff. Further, in one instance, the map does not appear to describe judicial districts at all.

In half of the cases, the staff has not yet received a map. The staff followed up with the county recorder's offices that had not provided maps. In some cases, the recorder's office indicated that they were unable to help without the book and page number where the map was originally recorded. In other cases, the staff was referred to other county offices for the information. Generally, in these cases, the staff concluded that significant additional effort was likely to be required to gain access to a Section 71042.6 map.

Anecdotally, it appears that persons who need to publish notice in a judicial district are not seeking the official Section 71042.6 map. In the staff's conversations with the county employees, many indicated that, prior to our inquiry, they had not received any request for a judicial district map.

CONCLUSION

In short, assuming that these twelve counties are representative with regard to the availability, accessibility, quality, and format of judicial district boundary information, the staff is concerned that obtaining authoritative information on judicial district boundaries from the counties is simply impracticable.

Respectfully submitted,

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