



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27, 2015

Title

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 34)

Agenda Item Type

Information Only

Date of Report

October 9, 2015

Submitted by

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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 34th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **five** superior courts—San Joaquin, Fresno, Sutter, Yolo, and Kings County— 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 33 prior informational reports listing such notices as they have been received.

Notice Received From Five Courts Since Last Report

This is the 34th 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 closure or reduced hours from five courts, including one notice of revision:

1. The Superior Court of **San Joaquin County** will temporarily close all clerk's offices on Thursday October 15th and Friday October 16th, 2015. The Court will be deploying a new court-wide case management system during the two-day closure. (Attachment B)

The closure will affect all court locations:

- Stockton Courthouse - 222 E. Weber Avenue, Stockton, CA
- Family Law Branch Court - 540 E. Main Street, Stockton, CA
- Lodi Branch Court – both locations 217 W. Elm Street and 315 W. Elm Street, Lodi, CA
- Manteca Branch Court – 315 E. Center Street, Manteca, CA
- Juvenile Justice Center – 535 W. Mathews Road, French Camp, CA

During the two- day closure:

- All Clerk's offices will be closed and telephone calls will not be answered
- Criminal and Traffic same-day, walk-in calendars will not be held
- The Family Law Pro-Per Clinic will be closed
- Request for files via e-mail will not be processed
- Drop boxes will be available at all branch courts to permit the same-day filing of documents

2. The Superior Court of **Fresno County** will temporarily close the Family Support Courtrooms, located at the B. F. Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff. The Family Support Clerk's Office will remain open. (Attachment C)

Departments 301 will be closed on the following days during the weeks of October 5th and 12th:

- Monday, October 5, 2015
- Tuesday, October 6, 2015
- Thursday, October 8, 2015
- Thursday, October 15, 2015
- Friday, October 16, 2015

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

Departments 302 will be closed on the following days during the weeks of October 5th and 12th:

- Tuesday, October 6, 2015
 - Wednesday, October 7, 2015
 - Thursday, October 8, 2015
 - Wednesday, October 14, 2015
 - Thursday, October 15, 2015
 - Friday, October 16, 2015
3. In July of this year, the Superior Court of **Sutter County** provided notice of permanent closure of the Sutter County Courthouse, located at 446 Second Street and 463 Second Street in Yuba City, effective October 2, 2015. The court has provided a **revised** notice advising that it does not appear a move to the new Courthouse will take place on October 2, 2015. The Court will continue services in its current location until a firm date for the move is identified. (Attachment D)
4. The Superior Court of **Yolo County** will temporarily close the Yolo County Courthouse, located at 1000 Main Street in Woodland, on the following dates and times:
- Thursday, December 24th, 12:00 p.m. to 5:00 p.m.
 - Thursday, December 31st , 12:00 p.m. to 5:00 p.m. (Attachment E)
5. Effective at the close of the Court’s business day on December 18, 2015, the Superior Court of **Kings County** will cease all operations at its Court locations in Avenal (at 501 E. King Street) and Corcoran (at 1000 Chittenden Avenue), with those services and staff relocating to the Hanford Courthouse. (Attachment F)

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

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.

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

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of San Joaquin, August 10, 2015

Attachment C: Notice from the Superior Court of Fresno, September 16, 2015

Attachment D: Notice from the Superior Court of Sutter, September 17, 2015

Attachment E: Notice from the Superior Court of Yolo, September, 25 2015

Attachment F: Notice from the Superior Court of Kings, October 1, 2015

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.



The Superior Court of California

COUNTY OF SAN JOAQUIN

222 East Weber Avenue, Room 303 • Stockton, California 95202

Telephone 209-992-5695

www.stocktoncourt.org

August 10, 2015

PUBLIC NOTICE

CLERK'S OFFICES CLOSED THURSDAY and FRIDAY, OCTOBER 15, 16, 2015.

Pursuant to Government Code Section 68106, the Superior Court of California, County of San Joaquin is providing 60 days' notice of the Court's decision to close its clerk's offices at all locations as the court will be deploying a new court-wide case management system.

The closure will affect all court locations:

- Stockton Courthouse, 222 E. Weber Avenue, Stockton, CA
- Family Law Branch Court, 540 E. Main Street, Stockton, CA
- Lodi Branch Court – both locations 217 W. Elm Street and 315 W. Elm Street, Lodi, CA
- Manteca Branch Court – 315 E. Center Street, Manteca, CA
- Juvenile Justice Center – 535 W. Mathews Rd., French Camp, CA

During the two-day closure:

- **All Clerk's offices will be closed and telephone calls will not be answered.**
- **Criminal and Traffic same-day, walk-in calendars will not be held.**
- **The Family Law Pro-Per Clinic will be closed.**
- **Request for files via e-mail will not be processed.**

During the court closure, courtrooms will remain open at all court branches. Cases already scheduled to be heard on these days will proceed as scheduled. Courtrooms will continue to 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.

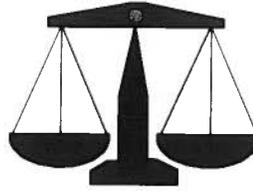
Document drop boxes will be available at all branch courts to permit the same-day filing of documents deposited there before 5:00 p.m. A self-addressed stamped envelope must be included for all drop box transactions.

The court finds it necessary to implement the two-day closure as the deployment of the new case management system will begin on Wednesday, October 14, 2015 at 5:00 p.m. All current case management systems will be unavailable during the two-day closure and all cases heard will be required to be processed manually.

If you have any comments regarding this action, please send them in writing by September 28, 2015 to Adrienne Forshay, Assistant Court Executive Officer at aforshay@sjcourts.org or P.O. Box 201022, Stockton, CA 95201.

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SUPERIOR COURT, COUNTY OF FRESNO



EFFECTIVE DATE
10/5/2015 through 10/9/2015 and
10/12/2015 through 10/16/2015

RE: Temporary Closure of the Family Support Courtrooms

The Court is temporarily closing the Family Support Courtrooms, located at the B.F Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff.

Departments 301 will be closed on the following days during the weeks of October 5th and 12th:

Monday, October 5, 2015	Thursday, October 15, 2015
Tuesday, October 6, 2015	Friday, October 16, 2015
Thursday, October 8, 2015	

Departments 302 will be closed on the following days during the weeks of October 5th and 12th:

Tuesday, October 6, 2015	Wednesday, October 14, 2015
Wednesday, October 7, 2015	Thursday, October 15, 2015
Thursday, October 8, 2015	Friday, October 16, 2015

The Family Support Clerk's Office will remain open.

*Government Code Section 68106 requires trial courts to provide notice to the public at least sixty (60) days before closing any courtroom or closing/reducing the hours of the clerks' offices by conspicuous posting within its facilities and on its public website. Proposal was published for public comment with a deadline of September 1st, 2015.

**Notice will be posted pursuant to California Rules of Court, rule 10.620(g).



M. B. TODD
COURT EXECUTIVE OFFICER

SUPERIOR COURT OF CALIFORNIA COUNTY OF SUTTER

Courthouse West, 446 Second Street, Yuba City, CA 95991

Administration

(530) 822-3309 FAX: (530) 822-3509

REVISED

PUBLIC NOTICE CALIFORNIA GOVERNMENT CODE SECTION 68106

9/17/15

NOTICE OF CLOSURE AND RELOCATION

UPDATED SEPTEMBER 15, 2015:

AS OF THIS DATE IT DOES NOT APPEAR A MOVE TO THE NEW COURTHOUSE WILL TAKE PLACE ON OCTOBER 2, 2015, AS INDICATED BELOW. THE COURT WILL CONTINUE SERVICES IN ITS CURRENT LOCATION UNTIL A FIRM DATE FOR THE MOVE IS IDENTIFIED. THIS NOTICE WILL BE PROPERLY AMENDED AT THAT TIME.

PRIOR NOTICE – JULY 30, 2015:

Effective October 2, 2015 at 12:00 p.m., the Sutter County Courthouse located at 446 Second Street and 463 Second Street in Yuba City will be permanently closed. Public services currently available at the Sutter County Courthouse will be relocated to the new Sutter County Courthouse at 1175 Civic Center Boulevard in Yuba City. Public services will resume at the new Sutter County Courthouse on October 5, 2015 at 8:30 a.m.

Pursuant to California Rules of Court, Rule 2.210, a drop box for depositing documents to be filed with the clerk will be provided either at the security station at 446 Second Street, Yuba City or at the security station at 463 Second Street, Yuba City on the following dates and times:

October 2, 2015 between the hours of 12:00 p.m. and 4:30 p.m.

As a part of the Judicial Branch of government, the Superior Court receives its annual budget allocation through the Judicial Council of California, an entity of the State. The Judicial Council is also responsible for the construction and maintenance of Court facilities throughout the State. The Council has undertaken construction of a new courthouse in order to better serve the residents of Sutter County. This facility is funded in its entirety by Civil and Criminal Court user fees as provided for by SB1407 (2008).

All services previously offered at the Sutter County Courthouse will be available at the new Sutter County Courthouse, located at 1175 Civic Center Boulevard in Yuba City. The Sutter County Courthouse will have office hours of 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding Judicial Holidays.

Any written comments related to this notice may be made through the Court's website: www.suttercourts.com.



Superior Court of the State of California, County of Yolo

1000 Main Street
Woodland, Ca. 95695
www.yolo.courts.ca.gov

PUBLIC NOTICE

Pursuant to Government Code Section 68106

September 25, 2015

Notice of Temporary Court Closures

Pursuant to Government Code Section 68106, the Superior Court of California, County of Yolo is providing notice of temporary closures on the following dates and times.

Thursday, December 24th	12:00 p.m. to 5:00 p.m.
Thursday, December 31st	12:00 p.m. to 5:00 p.m.



Superior Court of the State of California
County of Kings

Thomas DeSantos
Presiding Judge
of the
Superior Court

Jeffrey E. Lewis
Court Executive/Clerk
and
Jury Commissioner

*****PUBLIC NOTICE of COURT CLOSURES*****

October 1, 2015

Pursuant to California Government Code Section 68106*, the Superior Court of California, County of Kings hereby provides sixty (60) days' notice of its proposed intent to cease all operations at its Court locations in Avenal (at 501 E. King Street) and Corcoran (at 1000 Chittenden Avenue), with those services and staff relocating to the Hanford Courthouse, effective at the close of the Court's business day on December 18, 2015.

As a part of the judicial branch of government, the Kings Superior Court receives its annual budget allocation through the Judicial Council of California, an entity of the State. After the Governor and Legislature imposed over one billion dollars in state cuts to the judicial branch from Fiscal Years 2008-09 through 2012-13, every trial court state-wide had to absorb its share of reductions, by instituting various cost saving measures, including attrition, hiring freezes, eliminating vacated positions, furloughs, layoffs, early retirement programs, reengineering court processes for efficiencies, reduction of expenditures for services and supplies, and many other reasonable efforts to control labor, supply, and contractual service costs.

Historically, the Kings Superior Court has steadfastly endeavored to serve our citizenry to the best of its abilities, despite its very limited resources as an habitually under-funded and under-resourced court. Over the previous six fiscal years - which saw this court's baseline funding reduced by 30% and facing a 2012-13 structural deficit of approximately \$1.3 million - Kings Superior Court decreased its expenses by more than \$2,495,000 by means of a 21% reduction in line staff, the elimination of 23% of all management positions, an average of 14 furlough days per year taken by all residual personnel [the equivalent of an annual 5.3% pay reduction], increasing employee cost-share of medical and retirement benefits, executing a court closure in Lemoore, and through a combination of expansion, terminations, and rollbacks in vendor contracts.

With the economy improving in the state by 2013, trial courts anticipated a significant restoration of trial court funding by 2014-15. However, the state's three-fiscal years failure to provide even nominal financial relief from years of unprecedented budget reductions, and the recent elimination of the court's right to carry-over yearly fund balances, now compels the state's trial courts to take further remedial actions to maintain the most basic judicial services.

For Kings County residents, notwithstanding this Court's history of prudent fiscal planning, revenue generating strategies, and effective cost-cutting measures [including the multiple times Kings Superior

Court has announced reduced service levels due to on-going fiscal constraints], this Court now finds it necessary to institute the above closures in light of unresolved critical staffing shortages.

The court regrets having to make these very difficult decisions with regard to court operations, which, it is recognized, will lessen the degree of access to justice for some of our county's citizens. Kings Superior Court does so only after exhausting all other alternatives to cope with multiple years of statewide trial court funding reductions with only marginal reinvestment efforts in the Courts recently demonstrated by California's Governor, Senate and Assembly.

Kings Superior Court believes, however, that these measures are unavoidable and represent a sound management practice, utilizing remaining staff resources as efficiently as possible and which can be best accomplished by consolidating operations into our Hanford facilities to better serve the majority of our County residents. This consolidation of services will also serve to enhance security and safety for the public and staff, as Hanford provides security elements not available at the Avenal or Corcoran Courthouses. Further, this consolidation is also in line with the Court's long-term plan of merging Avenal and Corcoran services into the new 10-courtroom Hanford Courthouse, which should be operational in February 2016.

To summarize, after six years of untenable state-imposed budget reductions and attendant unacceptable personnel losses, this intended decision to consolidate all trial court operations in Hanford:

- Was agreed upon, reluctantly, by this Superior Court's judges and Court Administrator in mid-September 2015,
- Was reached *only after* multiple assessments of the overall impacts on Avenal and Corcoran residents and law enforcement agencies were conducted (and potential alternatives to closures and staff relocation were considered), and
- Was determined to be the most suitable course of action to meet and improve our court's core mission of providing accessible, timely service to the citizenry of all of Kings County.

Any interested person or entity is encouraged to provide input regarding this noticed plan of action. Comments should be provided in writing, no later than 5:00 p.m. on November 30, 2015, and be addressed to:

Jeffrey E. Lewis, Court Executive Officer
Kings County Superior Court
1426 South Drive
Hanford, California, 93230

You may also send your comments via email to jlewis@kings.courts.ca.gov. As required by Government Code 68106(b)(2)(A), the Court will review and consider all public comments received.

*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.