



## Judicial Council of California

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 16, 2016

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**Title**

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 40)

**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](mailto:amber.barnett@jud.ca.gov)

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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 40th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **two** superior courts—Stanislaus and Alameda 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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> The Judicial Council has received 39 prior informational reports listing such notices as they have been received.

### **Notice Received From Two Courts Since Last Report**

This is the 40th 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 **Stanislaus County** provided public notice that offices will temporarily reduce service hours for the public filing windows and telephones the week of December 27, 2016. The service hours will be 8:00 a.m. to 2:00 p.m. daily for this week. Document drop boxes are located outside each Clerk's office for filing papers or submission of payments. Any document deposited in a court's drop box up to and including 4:00 p.m. on a court day is deemed to have been deposited for filing on that day. (**Attachment B**)
2. The Superior Court of **Alameda County** provided public notice of temporary closure of court locations:
  - With the exception of the Wiley W. Manuel courthouse located at 661 Washington Street in Oakland, all courthouses in Alameda County will be closed to the public from Friday, December 23, 2016, through Monday, January 2, 2017, reopening on Tuesday, January 3, 2017.
  - The courthouses that are closed during this period will offer no Court services to the public, including but not limited to drop box filing services. The sole exception to this is that certain cases will be heard at the Juvenile Justice Center (JJC) in San Leandro, and parties to those cases will be able to access the courthouse. However, the JJC will be closed to the public generally. During this period, limited staff will be on hand at Wiley W. Manuel courthouse from 8:30 a.m. to 2:30 p.m. on Friday, December 23, 2016, and from Tuesday, December 27, 2016, through Friday, December 30, 2016, to accept filings in all case types.
  - Drop boxes will be available at Wiley M. Manuel courthouse during this period for filings made after the clerk's office closes at 2:30 p.m. and before 4:00 p.m.
  - The Court's Self-Help Center and Family Law Facilitator's Office will be closed during this period.
  - A limited number of courtrooms will be staffed at Wiley M. Manuel courthouse during this period for the purposes of hearing time-sensitive criminal matters, reviewing restraining order applications, and other requests for emergency relief.

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<sup>2</sup> All courts' notices are listed and posted at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Some courts have given more than one notice.

- The Court’s Fax Filing service will continue to operate during the closure period. More information about Fax Filing can be found on the Court’s web site at <http://www.alameda.courts.ca.gov/Pages.aspx/Fax-Filing>.
  - Due to the anticipated reduced staffing level during the closure period, the time in which the Court is able to respond to phone calls, voicemail messages, and emails will be increased, and delays are likely. (**Attachment C**)
3. The Superior Court of **Alameda County** provided public notice of its intent to reduce clerk’s office hours indefinitely:
- Beginning on January 3, 2017, and continuing indefinitely thereafter, the clerk’s office hours in all Court locations and for all cases types except for Traffic will be from 8:30 a.m. to 2:30 p.m., Monday through Friday.
  - Drop boxes will be available at each clerk’s office location for filings made between 2:30 p.m. and 4:00 p.m. Filings deposited in any drop box after 4:00 p.m. will be deemed to have been deposited on the next court day.
  - The cutoff time for submitting a filing by fax under the Court’s “Premium Fax Filing” service will be reduced to 4:00 p.m., not 4:30 p.m.
  - Telephone hours in all clerk’s offices except for Traffic will be reduced to 8:30 a.m. to 2:30 p.m. Telephone hours for Traffic clerk’s offices, including the Jury Services Office, will be 8:30 a.m. to 4:00 p.m. (**Attachment D**)

### **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.”<sup>3</sup> 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 . . . .”<sup>4</sup> 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.<sup>5</sup> Courts expressly

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<sup>3</sup> Gov. Code, § 68106(c).

<sup>4</sup> *Id.*, § 68106(b)(1).

<sup>5</sup> *Id.*, § 68106(b)(1), (2)(A).

are *not* obligated to respond to comments received.<sup>6</sup> 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.<sup>7</sup> The change in plan does not require notification, however, beyond the original 60-day period.<sup>8</sup>

- 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.<sup>9</sup>

### **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](http://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 Stanislaus, October 14, 2016

Attachment C: Notice from the Superior Court of Alameda, October 21, 2016

Attachment D: Notice from the Superior Court of Alameda, November 2, 2016

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<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

<sup>9</sup> *Id.*, § 68106(b)(3).