



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 11, 2015

Title

Government Code Section 68106: Public
Notice by Courts of Closures or Reduced
Clerks' Office Hours (Gov. Code, § 68106—
Report No. 35)

Agenda Item Type

Information Only

Date of Report

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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 35th 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 Kings and Santa Clara 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 34 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 35th 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 two trial courts:

1. The Superior Court of **Kings County** provided notice of its intent to reduce staffing and temporarily limit the hours and operations of its Divisions and Departments between December 21, 2015 and January 1, 2016 as follows: (**Attachment B**)
 - The Jury Office will be closed from December 21, 2015 through January 1, 2016. Questions regarding jury service should be directed to the Clerk of the Court at the Hanford Courthouse
 - Staffing of all trial departments of the Hanford Courthouse will be reduced, resulting in temporary closure of multiple courtrooms beginning Monday, December 21, 2015 through Wednesday, December 23, 2015. During this period, the Hanford Courthouse Clerk's Office hours of operation will remain the same [Monday through Wednesday, 8:00 a.m. to 4:00 p.m.].
 - The Hanford Courthouse and Clerk's Office will close at 12:00 p.m. on Thursday, December 24, 2015. A drop box for documents and payments will be available, in Building A and B.
 - Staffing of all trial departments of the Hanford Courthouse will be reduced, resulting in temporary closure of multiple courtrooms beginning Monday, December 28, 2015 through Thursday, December 31, 2015. During this period, the Hanford Courthouse Clerk's Office hours of operation will remain the same [Monday through Wednesday, 8:00 a.m. to 4:00 p.m.].
 - Operations and staffing levels will be restored to all Divisions of Kings County Superior Court on Monday, January 4, 2016.

2. The Superior Court of **Santa Clara County** will be consolidating the Family Law department in the Morgan Hill Courthouse with the main operations at the Park Avenue Courthouse, effective January 19, 2016. This relocation is part of a larger transition resulting from the move to the new Family Justice Center Courthouse in downtown San Jose. Parties formerly served by the Morgan Hill Courthouse will file and have their cases heard at the Park Avenue Courthouse, until the new facility opens in 2016. (**Attachment C**)

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

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

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.

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).

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 Kings, October 9, 2015

Attachment C: Notice from the Superior Court of Santa Clara, November 12, 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.



Superior Court of the State of California
County of Kings

Thomas DeSantos
Presiding Judge
of the
Superior Court

Jeffrey E. Lewis
Clerk of Court
and
Jury Commissioner

*** * *PUBLIC NOTICE * * ***

Court limited hours during the holidays
October 9, 2015

Pursuant to California Government Code Section 68106, the Superior Court of Kings County hereby gives notice of its intent to reduce staffing and temporarily limit the hours and operations of its Divisions and Departments between December 21, 2015 and January 1, 2016, as follows:

1. The Jury Office will be closed from December 21, 2015 through January 1, 2016; any questions regarding jury service should be directed to the Clerk of the Court at the Hanford Courthouse.
2. On Monday, December 21, 2015 through Wednesday, December 23, 2015, staffing of all trial departments of the Hanford Courthouse will be reduced resulting in a temporary closure of multiple courtrooms. During this period, the Hanford Courthouse Clerk's Office hours of operation will remain the same [Monday through Wednesday 8:00 a.m. to 4:00 p.m.]; however, longer processing and response times may be experienced.
3. On Thursday, December 24, 2015, the Hanford Courthouse will close at 12:00 p.m. There will be no hearings or other proceedings scheduled after 12:00 p.m. on that day. The Clerk's Office will close at 12:00 p.m.; however a drop box for documents and payments will be available. Documents and payments deposited therein before 4:00 p.m. on December 24, 2015 will be deemed filed/received on that date. Documents/payments received after 4:00 p.m. on December 24, 2015, will be filed/received on December 28, 2015. Drop boxes are located in Buildings A and B of the Hanford Courthouse located at 1426 South Drive, Hanford, California 93230. The drop box located in Building A is located on the south end of the building and the one in Building B is located on the north end of the building.
4. On Friday, December 25, 2015, the Hanford Courthouse will be closed.
5. On Monday, December 28, 2015 through Thursday, December 31, 2015, staffing of all trial departments of the Hanford Courthouse will be reduced resulting in a temporary closure of multiple courtrooms. During this period, the Hanford Courthouse Clerk's Office hours of operation will remain the same [Monday through Thursday 8:00 a.m. to 4:00 p.m.]; however, longer processing and response times may be experienced.
6. On Friday, January 1, 2016, the Hanford Courthouse will be closed.
7. Pre-December 21, 2015 operations and staffing levels will be restored to all Divisions of the Kings County Superior Court on Monday, January 4, 2016.

The Superior Court Judges in Kings County have concluded that the temporary closure of the Jury Office, limitation in operational trial departments, and reduction of hours of the Hanford Courthouse as set forth above, is necessary in order to address the continued budget concerns and attendant personnel shortage that the Court faces. The limitation of hours and services set forth above is just one of many cost-saving steps taken by the Court to address California's fiscal crisis.

Any interested person or entity wishing to comment on the court's plan of action should direct the same on or before December 9, 2015 to Jeffrey E. Lewis, Court Executive Officer at Kings County Superior, 1426 South Drive, Hanford, California, 93230. You may also send your comments via email to jlewis@kings.courts.ca.gov. All public input will be considered.

**Superior Court of California
County of Santa Clara**

Attachment C



CONTACT

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FOR IMMEDIATE RELEASE: November 12, 2015

Consolidation of Family Law Departments

Family Law department in the Morgan Hill Courthouse will merge with main operations at the Park Avenue Courthouse in San José, effective January 19, 2016.

SAN JOSÉ, California (November 12, 2015): The Superior Court of California, County of Santa Clara will be consolidating the Family Law department in the Morgan Hill Courthouse with the main operations at the Park Avenue Courthouse, effective January 19, 2016. This relocation is part of a larger transition resulting from the move into the new Family Justice Center Courthouse in downtown San José.

"Our vision for a comprehensive Family Justice Center has been decades in the making and we are tremendously excited to be so close to fulfilling this dream. While it's unfortunate that this consolidation will mean increased travel time for some of our South County residents, the incredible advantages that come from co-locating a wide array of Family Law related services is a clear benefit for all residents of this county," said Presiding Judge Risë Jones Pichon.

Until the opening of the new facility in 2016, parties formerly served by the Morgan Hill Courthouse will file and have their cases heard at the Park Avenue Courthouse. The consolidation will also offer easier access to more Self Help and Domestic Violence related services that have not been previously available to Morgan Hill Courthouse users due to budget reductions.

For questions or comments related to this change, contact the Court's Public Information Officer, Joe Macaluso.

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