



## Judicial Council of California

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 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. 39)

**Agenda Item Type**

Information Only

**Date of Report**

October 13, 2016

**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 39th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **one** superior court—Kings County—has issued a new notice.

### 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 38 prior informational reports listing such notices as they have been received.

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

This is the 39th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received a new notice from one trial court:

1. The Superior Court of **Kings County** provided public notice of its intent to reduce staffing and temporarily limit the hours and operations of Divisions and Departments on the following dates and times:
  - Monday, December 26, 2016, the courthouse will be closed, in observance of Christmas.
  - The Jury Office will be closed from Tuesday, December 27, 2016 through Monday, January 2, 2017.
  - Tuesday, December 27, 2016 through Thursday, December 29, 2016, staffing of all trial departments of the Courthouse will be reduced resulting in a temporary closure of multiple courtrooms. Courthouse Clerk's Office hours of operation will remain the same (Tuesday through Thursday 8:00 a.m. to 4:00 p.m.).
  - Friday, December 30, 2016, the Courthouse business hours will remain the same (8:00 a.m. to 11:30 a.m.).
  - Monday, January 2, 2017, the Courthouse will be closed, in observance of New Year's.
  - Pre-December 26, 2016 operations and staffing levels will be restored to all Divisions of the Kings County Superior Court on Tuesday, January 3, 2017. (**Attachment B**)

### **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

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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.

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 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 Kings, September 29, 2016

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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).

<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).

**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

Attachment B

**Steven D. Barnes**  
Presiding Judge  
of the  
Superior Court

**Jeffrey E. Lewis**  
Clerk of Court  
and  
Jury Commissioner

\* \* \* **PUBLIC NOTICE** \* \* \*

### **Court limited hours during the holidays** **September 29, 2016**

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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 26, 2016 and January 2, 2017, as follows:

1. Monday, December 26, 2016, the courthouse will be closed, in observance of Christmas.
2. The Jury Office will be closed from Tuesday, December 27, 2016 through Monday, January 2, 2017; any questions regarding jury service should be directed to the Clerk of the Court.
3. Tuesday, December 27, 2016 through Thursday, December 29, 2016, staffing of all trial departments of the Courthouse will be reduced resulting in a temporary closure of multiple courtrooms. During this period, the Courthouse Clerk's Office hours of operation will remain the same [Tuesday through Thursday 8:00 a.m. to 4:00 p.m.]; however, longer processing and response times may be experienced.
4. Friday, December 30, 2016, the Courthouse business hours will remain the same [8:00 a.m. to 11:30 a.m.]
5. Monday, January 2, 2017, the Courthouse will be closed, in observance of New Year's.
6. Pre-December 26, 2016 operations and staffing levels will be restored to all Divisions of the Kings County Superior Court on Tuesday, January 3, 2017.

The Superior Court Judges in Kings County have concluded that the temporary closure of the Jury Office, the limitation in operational trial departments, and the reduction of hours at our 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 continued trial court funding shortfalls.

Any interested person or entity wishing to comment on the Court's plan of action should direct the same on or before November 28, 2016 to Jeffrey E. Lewis, Court Executive Officer at Kings County Superior Court, 1640 Kings County Drive, Hanford, California, 93230. You may also send your comments via email to [jlewis@kings.courts.ca.gov](mailto:jlewis@kings.courts.ca.gov). All public input will be considered.