



## Judicial Council of California

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 19, 2017

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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. 41)

**Agenda Item Type**

Information Only

**Date of Report**

April 17, 2017

**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 41st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **three** superior courts—Santa Clara, Yuba, and Kings 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 40 prior informational reports listing such notices as they have been received.

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

This is the 41st 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 three trial courts:

1. The Superior Court of **Santa Clara County** provided public notice of the court's decision to reduce business office and telephone hours every Friday at the Civil Clerk's office. Beginning Friday, May 5, 2017, the office and telephone hours at the Civil Clerk's office each Friday will be 8:30 a.m. – 12:00 p.m. (**Attachment B**)
2. The Superior Court of **Yuba County** provided public notice that telephone hours, including jury services, will be reduced to 10:00 a.m. to 3:00 p.m., Monday through Friday. Current public window filing hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, will remain unchanged. Fax and e-filing hours will remain between 8:30 a.m. and 4:30 p.m., Monday through Friday, as well. (**Attachment C**)
3. The Superior Court of **Kings County** provided public notice that telephone hours, including jury services, will be reduced to 8:00 a.m. to 4:00 p.m., Monday through Thursday. The telephone hours of 8:00 a.m. to 11:30 a.m. every Friday will remain the same. Current public window filing hours of 8:00 a.m. to 4:00 p.m., Monday through Thursday; and, 8:00 a.m. to 11:30 a.m. every Friday will remain unchanged. Fax and e-filing hours will remain between 8:00 a.m. and 4:00 p.m., Monday through Thursday; and, 8:00 a.m. to 11:30 a.m. every Friday, as well. (**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

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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.

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 Charles Perkins, LS Supervising 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.

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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).

## **Attachments**

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of Santa Clara, March 3, 2017

Attachment C: Notice from the Superior Court of Yuba, March 30, 2017

Attachment D: Notice from the Superior Court of Kings, April 14, 2017

**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 California  
County of Santa Clara**

191 North First Street  
San José, California 95113  
(408) 882-2700

REBECCA FLEMING  
Chief Executive Officer

ATTACHMENT B



FOR IMMEDIATE RELEASE – MARCH 3, 2017

Contact: Chambers of Honorable Patricia M. Lucas, Presiding Judge - (408) 882-2280

**IMPORTANT PUBLIC NOTICE**

The Superior Court of California, County of Santa Clara operates a Civil Clerk's Office at 191 N. First Street, San Jose. This is to inform the public of the Superior Court's decision to reduce business office and telephone hours on Fridays at the Civil Clerk's Office. Beginning Friday, May 5, 2017, the office and telephone hours at the Civil Clerk's Office each Friday will be 8:30 a.m. – 12:00 p.m.

The Court finds this action is necessary due to the significant and continuing cuts to the State Judicial Branch Budget. Since 2009, state funding for the judicial branch has been significantly reduced, with those reductions impacting the budgets of individual superior courts. The modest increase in funding to the judicial branch proposed in the Governor's Budget for FY 2017-18 does not make it fiscally feasible to keep the same business hours at the Civil Clerk's Office.

We apologize for the inconvenience this may cause. If you would like to submit comments about the proposed reductions, please send them to Rebecca Fleming, Court Executive Officer, 191 North First Street, San Jose, California 95113 by May 2, 2017.

For further information, please check the Superior Court website at [www.scscourt.org](http://www.scscourt.org)

Superior Court of California  
County of Yuba

# PUBLIC NOTICE

Pursuant to Government Code Section 68106

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FOR IMMEDIATE RELEASE

DATE: March 30, 2017

NOTICE OF REDUCED SERVICE HOURS

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**EFFECTIVE JUNE 1, 2017**, the Yuba County Superior Court telephone hours, including jury services, will be reduced to **10:00 a.m. to 3:00 p.m., Monday through Friday**. Our current public window filing hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, will remain unchanged. Fax and e-filing hours will remain between 8:30 a.m. and 4:30 p.m., Monday through Friday, as well.

Due to the persistent effects of chronic underfunding, years of drastic cost-savings measures and a reduction in staff, our backlog of case processing and case dispositions continues to increase. The cumulative result of this backlog impacts our justice partners as well as public safety.

The public may provide comment on this planned reduction in telephone hours in writing, either by mail to the Executive Office, 215 5<sup>th</sup> Street, Suite 200, Marysville, CA 95901, by fax at 530-740-1811, or by email at <http://www.yubacourts.org/contact>.



ATTACHMENT D

**Superior Court of the State of California**  
**County of Kings**

Steven D. Barnes  
Presiding Judge  
of the  
Superior Court

Jeffrey E. Lewis  
Clerk of Court  
and  
Jury Commissioner

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

**Reduced Service Hours**

April 14, 2017

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Pursuant to California Government Code Section 68106, effective June 14, 2017, the Superior Court of Kings County, including jury services, hereby gives notice of its intent to reduce telephone hours from its *current* 8:00 a.m. to 5:00 p.m., Monday through Thursday; to *new hours* of 8:00 a.m. – 4:00 p.m., Monday through Thursday. The telephone hours of 8:00 a.m. to 11:30 a.m. on Friday(s) will remain the same.

Our current public window filing hours of 8:00 a.m. to 4:00 p.m., Monday through Thursday; and, 8:00 a.m. to 11:30 a.m. on Friday(s), will remain the same. Fax and e-filing hours will remain between 8:00 a.m. and 4:00 p.m., Monday through Thursday; and, 8:00 a.m. to 11:30 a.m., on Friday(s). Please note that any filings submitted to the court, for a hearing scheduled the following day, must be received no later than 3:00 p.m., the day prior of the hearing.

Due to the continued effects of ongoing underfunding, years of extreme cost-saving measures and a reduction in staff, our backlog of case processing and case dispositions continue to increase. The collective result of this backlog impacts our justice partners as well as public safety.

Any interested person or entity wishing to comment on the Court's plan of action should direct the same on or before June 13, 2017 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.