



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 12, 2018

Title

Government Code Section 68106: Public
Notice by Courts of Closures or Reduced
Clerks' Office Hours (Gov. Code, § 68106—
Report No. 45)

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 45th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **four** superior courts—Modoc, Alameda, Stanislaus, and Sierra 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 49 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 44 prior informational reports listing such notices as they have been received.

Notice Received From Four Courts Since Last Report

This is the 45rd 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 four trial courts:

The Superior Court of **Modoc County** provided public notice that effective January 2, 2018, telephone hours and public service hours will be reduced from its current 8:30 a.m. – 5:00 p.m., Monday through Friday, to new hours of 8:30 a.m. – 3:00 p.m., Monday through Friday. (**Attachment B**)

The Superior Court of **Alameda County** provided public notice of temporary court closures effective Friday, December 22, 2017, through Monday, January 1, 2018:

- With the exception of the East County Hall of Justice in Dublin, the Wiley W. Manuel courthouse in Oakland, and the Juvenile Justice Center in San Leandro, all courthouses in Alameda County will be closed from Friday, December 22, 2017, through Monday, January 1, 2018.
- 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. During this period, limited staff will be on hand at Wiley W. Manuel (WWM) (for all case types except Juvenile); Juvenile Justice Center (JJC) (for Juvenile only); and East County Hall of Justice (ECHOJ) (for Criminal only) from 8:30 a.m. to 2:30 p.m. on Friday, December 22, 2017, and from Tuesday, December 26, 2017, through Friday, December 29, 2017, to accept filings in the above noted case types.
- Drop boxes will be available at WWM, JJC, and ECHOJ 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 ECHOJ and WWM during this period for the purposes of hearing time-sensitive criminal matters, reviewing restraining order applications, and other requests for emergency relief.

(**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.

The Superior Court of **Stanislaus County** provided public notice of its intent to temporarily reduce Clerk's office hours as follows:

- Effective Tuesday, December 26, 2017, all Stanislaus County Superior Court offices will reduce service hours for the public filing windows only. The changes in public service will not limit public access to the building, courtrooms or calendars. Due to the lack of available staff, public service hours at filing windows will be 8:15 a.m. until 2:15 p.m. from December 26, 2017 to Friday, December 29, 2017.
 - Effective Thursday, January 4, 2018, all Stanislaus County Superior Court offices will reduce service hours for the public filing windows only. The changes in public service will not limit public access to the building, courtrooms or calendars. Due to the lack of available staff, public service hours at filing windows will be 8:15 a.m. until 12:00 p.m. (noon) every Thursday until further notice.
 - Document drop boxes are located outside each Clerk's office for filing papers or submitting payments. Pursuant to California Rules of Court, rule 2.210(b) 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 D)**

The Superior Court of **Sierra County** provided public notice of its intent to reduce Clerk's counter hours to 9:00 a.m. – 4:00 p.m., Monday through Friday, effective January 2, 2018. Current phone hours of 9:00 a.m. – 4:00 p.m., Monday through Friday, will remain unchanged.

(Attachment E)

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

³ Gov. Code, § 68106(c).

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 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), 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 Modoc, October 17, 2017

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).

Attachment C: Notice from the Superior Court of Alameda, October 20, 2017

Attachment D: Notice from the Superior Court of Stanislaus, October 26, 2017 and October 31, 2017

Attachment E: Notice from the Superior Court of Sierra, October 31, 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 Modoc

FRANCIS W. BARCLAY
PRESIDING JUDGE

RONDA GYSIN
COURT EXECUTIVE OFFICER

DAVID A. MASON
SUPERIOR COURT JUDGE

PUBLIC NOTICE

Reduced Service Hours

October 17, 2017

Pursuant to California Government Code Section 68106, effective January 2, 2018, the Superior Court of California, County of Modoc, hereby gives notice of its intent to reduce both telephone hours and public service hours from its current 8:30 am – 5:00 pm, Monday through Friday, to new hours of 8:30 am – 3:00 pm, Monday through Friday.

Due to the continued effects of ongoing underfunding, years of extreme cost-saving measures, and a reduction in staff, our backlog of all aspects of case processing continues to increase. This backlog adversely affects our justice partners, court users, and the public.

Any interested person or entity wishing to comment on the Court's plan of action should direct the same on or before December 29, 2017 to Ronda Gysin, Court Executive Officer at Modoc County Superior Court, 205 S. East Street, Alturas, California, 96101. You may also send your comments via email to ronda.gysin@modoc.courts.ca.gov. All public input will be considered.

**Superior Court of California
COUNTY OF ALAMEDA**



Morris Jacobson, Presiding Judge

Chad Finke, Executive Officer

René C. Davidson Courthouse

1225 Fallon Street

Oakland, California 94612



@AlamedaSuperior

www.alameda.courts.ca.gov

**For more information
about this news release,
please contact:**

Michele Schroeder

Executive Assistant

mschroeder@alameda.courts.ca.gov

510-891-6012

FOR IMMEDIATE RELEASE

Friday, October 20, 2017

OAKLAND, CALIFORNIA: *With the exception of the East County Hall of Justice in Dublin, the Wiley W. Manuel courthouse in Oakland, and the Juvenile Justice Center in San Leandro, all courthouses in Alameda County will be closed from Friday, December 22, 2017, through Monday, January 1, 2018.*

*** PUBLIC NOTICE ***

PURSUANT TO GOVERNMENT CODE SECTION 68106

NOTICE OF TEMPORARY CLOSURE OF COURT LOCATIONS

For several years during the Recession, California's trial courts were subject to severe budget reductions. Although the State's economy has improved in recent years, only a small percentage of that funding has been restored to the courts. Further, although the Superior Court of Alameda County's budget was not cut this year (it was kept at the same level as last year), it was cut every year from Fiscal Year 2008-2009 through Fiscal Year 2016-2017. These many years of cuts have had an aggregate negative effect on our ability to provide basic services within the money allotted.

In light of these factors, the Court has engaged in ongoing efforts to balance the budget by reducing costs. The many cost-saving solutions implemented by the Court include—but are not limited to—the following:

- Eliminating a number of vacant staff positions;
- Instituting a "hard freeze" of no less than 12 months on filling other positions;
- Instituting a "soft freeze" on all other positions, meaning that any vacant position will be kept vacant for no fewer than 90 days after it opens up;
- Reducing the use of outside contractors and consultants;
- Eliminating the use of overtime or comp time for staff except in certain very narrow instances;
- Reducing expenditures on office supplies; and
- Reducing printing costs by switching to a postcard format for jury summonses.

In addition, the Court has identified ways to save money on staff salaries—the Court's largest item of expense. Specifically, the Court is offering a Voluntary Time-Off Program (VTOP) for staff from

(continued)

December 22, 2017, through January 1, 2018. Staff who participate will take five business days off without pay, resulting in savings in the hundreds of thousands of dollars. While the Court regrets the impact these closures will have on the public's access to justice, they represent the Court's only viable option for addressing the dire economic circumstances imposed upon it.

As required by Government Code § 68106, the details of the upcoming courthouse closures are as follows:

- With the exception of the East County Hall of Justice (ECHOJ) located at 5151 Gleason Drive in Dublin, the Wiley W. Manuel courthouse (WWM) located at 661 Washington Street in Oakland, and the Juvenile Justice Center (JJC) located at 2500 Fairmont Drive in San Leandro, all other courthouses in Alameda County will be closed to the public from Friday, December 22, 2017, through Monday, January 1, 2018, reopening on Tuesday, January 2, 2018.
- 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. During this period, limited staff will be on hand at WWM (for all case types except Juvenile); JJC (for Juvenile only); and ECHOJ (for Criminal only) from 8:30 a.m. to 2:30 p.m. on Friday, December 22, 2017, and from Tuesday, December 26, 2017, through Friday, December 29, 2017, to accept filings in the above noted case types.
- As required by rule 2.210 of the California Rules of Court, drop boxes will be available at WWM, JJC, and ECHOJ 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 ECHOJ and WWM during this period for the purposes of hearing time-sensitive criminal matters, reviewing restraining order applications, and other requests for emergency relief.
- 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 website: <http://www.alameda.courts.ca.gov/Pages.aspx/Fax-Filing>.
- Because the Court anticipates having a significantly 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.
- The Court will establish a dedicated web page for up-to-date information about the specifics of the upcoming closures, including which judicial officers will be presiding in which departments during that time. The Court web page will be located at: <http://bit.ly/2hQrqaw>.
- The public can also follow the Court on Twitter [@AlamedaSuperior](#) for additional up-to-date information regarding the closures.
- The public may provide public comment on these planned closures in writing, either (a) by mail, directed to the Executive Office, 1225 Fallon Street, Room 209, Oakland, CA 94612; or (b) via email to pcomments@alameda.courts.ca.gov.



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

Hugh K. Swift
Executive Officer
Jury Commissioner

800 - 11th Street
Modesto, California 95354
Telephone (209) 530-3111
Fax (209) 236-7797
www.stanct.org

PUBLIC NOTICE

REDUCED CLERK'S OFFICE HOURS

Effective Tuesday, December 26, 2017 to Friday, December 29, 2017

Effective Tuesday, December 26, 2017, all Stanislaus County Superior Court offices will reduce service hours for the public filing windows only. The changes in public service will not limit public access to the building, courtrooms or calendars. Due to the lack of available staff, public service hours at filing windows will be 8:15 a.m. until 2:15 p.m. from December 26, 2017 to Friday, December 29, 2017.

Document drop boxes are located outside each Clerk's office for filing papers or submitting payments. Pursuant to California Rules of Court, rule 2.210(b) 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.

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



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

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PUBLIC NOTICE

REDUCED CLERK'S OFFICE HOURS

Thursday, January 4, 2018

Effective Thursday, January 4, 2018, all Stanislaus County Superior Court offices will reduce service hours for the public filing windows only. The changes in public service will not limit public access to the building, courtrooms or calendars. Due to the lack of available staff, public service hours at filing windows will be 8:15 a.m. until 12:00 p.m. (noon) every Thursday until further notice

Document drop boxes are located outside each Clerk's office for filing papers or submitting payments. Pursuant to California Rules of Court, rule 2.210(b) 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.

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

Superior Court of California
County of Sierra

PUBLIC NOTICE

Pursuant to Government Code Section 68106

FOR IMMEDIATE RELEASE

DATE: October 31, 2017

NOTICE OF REDUCED SERVICE HOURS

EFFECTIVE January 2, 2018, the Sierra County Superior Court Clerk's counter hours will be reduced to **9:00 a.m. to 4:00 p.m., Monday through Friday**. Our current phone hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, will remain unchanged.

Due to limited staffing and in order to meet minimum security and cash handling policies of the court, the Clerk's counter hours are being reduced to assure the public is proficiently served while two or more Court staff are present.

The public may provide comment on this planned reduction in public window filing hours in writing, either by mail to the Sierra Superior Court Office, PO Box 476, Downieville, CA 95936, by fax at 530-289-0205, or by email at

<http://www.superiorcourt@sierracourt.org>.