



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 30, 2018

Title

Trial Courts: Public Notice by Courts of
Closures or Reduced Clerks' Office Hours
(Gov. Code, § 68106—Rep. No. 47)

Agenda Item Type

Information Only

Date of Report

October 18, 2018

Submitted by

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Executive Summary

Government Code section 68106 (1) directs trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) directs the council to post all such notices on its website and relay them to the Legislature. This is the 47th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, **four** superior courts—the Superior Courts of San Francisco, Fresno, San Diego, and Madera Counties—have issued new notices.

Relevant Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts; it 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 requires 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

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.

issued notices under its requirements.² The Judicial Council has received 46 prior informational reports listing such notices as they have been received.

Analysis/Rationale

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, and 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

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

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).

Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁹

Notices received from four courts since last report

This is the 47th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received four new notices from four trial courts.

The **Superior Court of San Francisco County** provided notice effective October 22, 2018, that all clerks' offices will close to the public at 2:00 p.m. every day. This is a reduction of two hours per day. All clerks' offices are affected, and the locations are listed below:

- Civil Clerk's Office, 400 McAllister Street, Civic Center Courthouse (CCC), Room 103
- Unified Family Court Clerk's Office, 400 McAllister Street, CCC, Room 402
- Criminal Clerk's Office, 850 Bryant Street, Hall of Justice (HOJ), Room 101
- Traffic Court Clerk's Office, 850 Bryant Street, HOJ, Room 145
- Juvenile Delinquency Clerk's Office, 375 Woodside Avenue, Juvenile Justice Center, Room 101

All clerks' offices will be open from 8:30 a.m. to 2:00 p.m. Drop boxes will be available outside each main entrance between 2:00 p.m. to 4:00 p.m. Documents received in drop boxes by 4:00 p.m. will be processed with a same-day filing date (see Attachment B).

The **Superior Court of Fresno County** provided notice that the Family Support Courtrooms will temporarily close, to allow for training of superior court and Department of Child Support Services staff. Departments 301 and 302, located at the B.F. Sisk Courthouse, will be closed on the following days during the week of November 12, 2018:

- Monday, November 12, 2018 (holiday)
- Tuesday, November 13, 2018
- Wednesday, November 14, 2018
- Thursday, November 15, 2018
- Friday, November 16, 2018

The Family Support Clerk's Office will remain open (see Attachment C).

The **Superior Court of San Diego County** provided notice that business office hours in the South County Division will change, beginning November 19, 2018. The criminal/traffic clerk's business office will open to the public at 8:00 a.m., rather than the current 7:30 a.m. The court facility will continue to open its doors at 7:30 a.m. to allow time for the public to pass through security and assemble for services. This action is being taken to bring business office operations

⁹ *Id.*, § 68106(b)(3).

in the South County Division in line with other locations and to meet staffing changes (see Attachment D).

The **Superior Court of Madera County** provided notice that the Bass Lake Courthouse (Department 8) will permanently close, effective December 3, 2018. All new cases arising in Eastern Madera County will be filed at the Madera Courthouse located at 200 South G Street, Madera, California.

Parties with existing Bass Lake cases set for hearing on or after December 3, 2018, will be notified by mail of the reassignment to a courtroom at the Madera Courthouse (see Attachment E).

Fiscal Impact and Policy Implications

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 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, Legal Services 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, Judicial Council staff has placed on the homepage 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 webpage. Judicial Council staff has also forwarded the notices from these courts to the designated legislative leaders.

Attachments and Links

1. Attachment A: Gov. Code, § 68106
2. Attachment B: Notice from the Superior Court of San Francisco County, August 20, 2018
3. Attachment C: Notice from the Superior Court of Fresno County, September 13, 2018
4. Attachment D: Notice from the Superior Court of San Diego County, September 19, 2018
5. Attachment E: Notice from the Superior Court of Madera County, September 19, 2018
6. Link A: Gov. Code, § 68106,
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=68106

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 SAN FRANCISCO



NOTICE OF REDUCED HOURS IN SAN FRANCISCO CLERKS' OFFICES

ANNOUNCEMENT

The Superior Court of California, County of San Francisco, hereby provides public notice, pursuant to Government Code Section 68106, of a reduction of hours for clerks' offices. This reduction in hours is necessary to meet a budget-driven decrease in staffing. Court staffing levels have decreased by 30 percent over the past 10 years.

REDUCED HOURS

Effective October 22, 2018, all Clerks' Offices will close to the public at 2 p.m. everyday. This is a reduction of two hours per day.

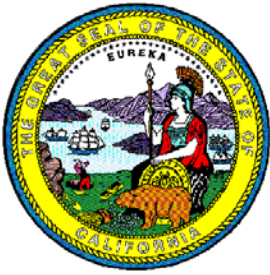
All of the clerks' offices are affected. These clerks' offices are located at:

- Civil Clerk's Office, 400 McAllister Street, Civic Center Courthouse (CCC), Room 103
- Unified Family Court Clerk's Office, 400 McAllister Street, CCC, Room 402
- Criminal Clerk's Office, 850 Bryant Street, Hall of Justice (HOJ), Room 101
- Traffic Court Clerk's Office, 850 Bryant Street, HOJ, Room 145
- Juvenile Delinquency Clerk's Office, 375 Woodside Avenue, Juvenile Justice Center, Room 101.

All clerks' offices will be open from 8:30 a.m. to 2 p.m. Drop boxes will be available outside each main entrance of all clerk's offices between 2 p.m. and 4 p.m. Documents received in the drop box by 4 p.m. will be processed with a same-day filing date.

PUBLIC COMMENT

Any person wishing to comment on the Court's plan for these limited service days may provide written comment by emailing sfcourtbudget@sftc.org. The public comment period will close on October 19, 2018.



**Superior Court of California
County of Fresno**

DATE: September 13, 2018

TO: All Superior Court Judges, Commissioners and Employees

FROM: Hon. Alan Simpson, Presiding Judge

RE: INTENT TO TEMPORARILY CLOSE THE FAMILY SUPPORT COURTROOMS

The Court intends to temporarily close the Family Support Courtrooms, located at the B.F Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff.

Departments 301 and 302 will be closed on the following days during the week of November 12th:

Monday, November 12, 2018 (Holiday)

Tuesday, November 13, 2018

Wednesday, November 14, 2018

Thursday, November 15, 2018

Friday, November 16, 2018

The Family Support Clerk's Office will remain open.

Comments may be submitted by email to: infodesk@fresno.courts.ca.gov

-OR-

Correspondence: ATTN: Administration, 1100 Van Ness Avenue, Fresno, CA 93724

Pursuant to Government Code section 68106, this proposal has been published for public comment with a deadline of August 30, 2017.

Notice will also be posted pursuant to California Rules of Court, rule 10.620(g).



Superior Court of California County of San Diego

EXECUTIVE OFFICE
1100 Union Street
San Diego, CA 92101
PublicNotice@SDCourt.CA.Gov

September 19, 2018

PUBLIC NOTICE

CHANGE IN BUSINESS OFFICE HOURS - SOUTH COUNTY DIVISION

Pursuant to Government Code § 68106 and Rule 10.620 of the California Rules of Court, the Superior Court of California, County of San Diego, is providing over 60 days' notice of a change being made to operating hours in the South County Division.

Beginning November 19, 2018, the Criminal/Traffic business counters in the South County courthouse will open to the public at 8:00 a.m., rather than the current 7:30 a.m. The Court facility will continue to open its doors at 7:30 a.m. to allow time for the public to pass through security and assemble for services, but the second floor business counters will not begin serving customers until 8:00 a.m.

This action is being taken to bring business office hours in the South County Division in line with those in other locations, and to meet staffing changes.

The Court is inviting public comment on this change prior to implementation. To ensure prompt review and consideration, comments should be submitted electronically through the Court's website at www.sdcourt.ca.gov (click on "Invitation to Comment"). For those without easy internet access, comments may be mailed to: Superior Court of California, County of San Diego, 1100 Union Street, 10th Floor, Executive Office, San Diego, CA 92101, attention Michael Roddy, Court Executive Officer.


MICHAEL M. RODDY
Executive Officer

Distributed for Publication

Superior Court of California, County of Madera

PUBLIC NOTICE

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 68106

FOR IMMEDIATE RELEASE

SEPTEMBER 19, 2018

NOTICE OF CLOSURE FOR THE BASS LAKE COURTHOUSE

The Superior Court of California, County of Madera, intends to permanently close the Bass Lake Courthouse located at 40601 Road 274, Bass Lake, California. Effective December 3, 2018 the Bass Lake Courthouse (Department 8) will be closed. All new cases arising in Eastern Madera County will be filed at the Madera Courthouse located at 200 South G Street, Madera, California.

Parties with existing Bass Lake cases set for hearing on or after December 3, 2018 will be notified by mail of the reassignment to a Courtroom at the Madera Courthouse. The public can call 559-416-5599 for all case information.

The decision to close the Bass Lake Courthouse was not taken lightly. The decision was made based on the on-going concerns for the safety of the public, staff and officers. This building has many deficiencies which unfortunately, in today's economic landscape, there are no funds to address through a remodel of this building to make it safe for all who conduct business at this location. There is also an issue of insufficient judicial resources to provide coverage of the Sierra Court given the recent changes in policies regarding the Assigned Judges Program.

The Bass Lake Courthouse will be closed effective November 30, 2018. This notice has been posted on the Court's website at www.madera.courts.ca.gov. All public comments will be reviewed and consider. Comments must be received by November 19, 2018 at Madera.Comment@madera.courts.ca.gov.