



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 June 26, 2015

Title

Government Code Section 68106: Public
Notice by Courts of Closures or Reduced
Clerks' Office Hours (Gov. Code, § 68106—
Report No. 31)

Agenda Item Type
Information Only

Date of Report
June 4, 2015

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 31st report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, three superior courts—those of Calaveras, Yolo 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 30 prior informational reports listing such notices as they have been received.

Notice Received From Three Courts Since Last Report

This is the 31st 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 closures or reduced hours from three trial courts:

1. The Superior Court of **Calaveras** County will be reducing its hours of operations effective June 1, 2015, by closing the Clerk's Office including telephone hours 3 hours earlier. Effective June 1, 2015, through June 30, 2015, the Clerk's Office will be open Monday through Friday from 8:15 a.m. to 1:00 p.m. Effective July 1, 2015, the hours of operation in the Clerk's Office will be Monday through Friday 8:15 a.m. to 3:00 p.m. Courtrooms will remain open Monday through Friday and are unaffected by this change. The public will remain able to pay certain traffic fines and fees and to access court calendar information on the court's website. A drop box also is available to receive document for same day filing Monday through Friday when the Clerk's Office is closed. (*Attachment B*)
2. Beginning August 17, 2015, the Superior Court of **Yolo** County will be moving to its new location at 1000 Main Street in Woodland. During this event, there will be a temporary reduction in calendaring and court closures as follows:
 - Reduced Calendars: Monday, August 17 through Friday, August 28, 2015
 - Full Court Closure: Thursday, August 20 and Friday, August 21, 2015, with the exception of in-custody arraignments.Clerk windows will be open from 9:00 am to 3:00 pm, August 17 through August 19, 2015, and August 24 through August 28, 2015. (*Attachment C*)
3. Effective August 3, 2015, the Superior Court of **Santa Clara** County will reduce traffic night court calendars from four times each month to twice a month, eliminating the two calendars heard each month in Department 55. Traffic night court calendars will be heard on the 2nd and 4th Tuesdays of each month at the Santa Clara Courthouse in Department 56, located at 1095 Homestead Road, Santa Clara. (*Attachment D*)

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

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).

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 Calaveras, April 1, 2015

Attachment C: Notice from the Superior Court of Yolo, April 14, 2015

Attachment D: Notice from the Superior Court of Santa Clara, June 3, 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.

PUBLIC NOTICE

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

NOTICE OF REDUCTION IN CLERK'S OFFICE HOURS

Posted April 1, 2015

Pursuant to *Government Code* §68106, the Superior Court of California, County of Calaveras will be reducing its hours of operations, during the period of June 1, 2015 through June 30, 2015 by closing the Clerk's Office including telephone hours, 3 hours earlier to mitigate the impact of staff furloughs. Courtrooms will remain open Monday through Friday and are unaffected by this change. Beginning July 1, 2015 the Clerk's Office will close at 3pm.

Currently, the Clerk's Office filing windows and telephones are open to the public from 8:15 a.m. - 4:00 p.m., Monday through Friday, excluding court holidays and weekends.

Effective June 1, 2015 through June 30, 2015, the Calaveras Superior Court "hours" of operation in the Clerk's Office will be as follows:

Monday through Friday
8:15 a.m. – 1:00 p.m.

Effective July 1, 2015, the Calaveras Superior Court "hours" of operation in the Clerk's Office will be as follows:

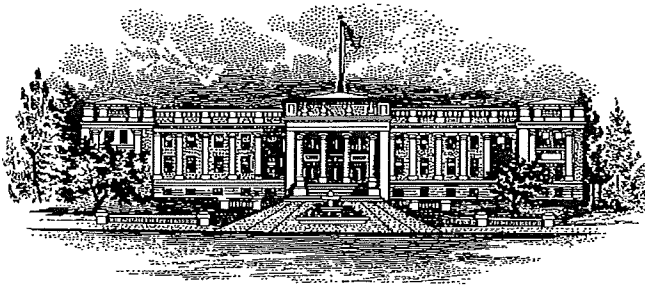
Monday through Friday
8:15 a.m. – 3:00 p.m.

The public will remain able to pay certain traffic fines and fees and to access court calendar information on the court's website at www.calaveras.courts.ca.gov.

A drop box also is available to receive documents for same day filing Monday through Friday when the Clerk's Office is closed. Filing deadlines will not be extended due to the limited service days. Pursuant to California Rules of Court, rule 2.210(b) any document deposited in a court's drop box by or before **4:00 p.m.** on a court day is deemed to have been deposited for filing on that day. All documents will be removed from the drop box at 4:30 p.m., daily. Any document dropped after 4:30 p.m. will be received and filed the following court business day.

This action is necessary due to the ongoing reductions to the Calaveras Superior Court budget for Fiscal Year 2014-2015. This current fiscal year the Court has instituted several cost saving measures. It has implemented a 3.8% reduction in pay for court staff by requiring all to take ten unpaid furlough days. The court will be continually faced with reducing services, not only for Fiscal Year 2014-2015, but also going into Fiscal Year 2015-2016, if there is no restoration of funds.

Anyone wishing to comment on the announced reduction in the Clerk's Office hours, please submit your comments by regular mail no later than May 22, 2015. Direct your response to Calaveras Superior Court, Dan Vrtis, 400 Government Center Drive, San Andreas, CA, 95249. You may also send your comments via email to public@calaveras.courts.ca.gov. All public input will be considered.



PUBLIC NOTICE

Pursuant to Government Code Section 68106

April 14, 2015

Notice of Temporary Reduction in Calendaring System and Court Closure

Beginning August 17, 2015, Yolo Superior Court will be moving to its new location at 1000 Main Street. During this monumental event the court will have a modified calendar and limited access to filing windows.

	Monday	Tuesday	Wednesday	Thursday	Friday
	8/17/2015	8/18/2015	8/19/2015	8/20/2015	8/21/2015
Clerk Windows*	9:00 to 3:00	9:00 to 3:00	9:00 to 3:00	Closed – drop box available	Closed – drop box available
Dpt 9 213 Third St	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal Matters	8:30 No-time Waiver Criminal Matters
				9:30 Confirmed Preliminary Hrgs	9:30 Confirmed Preliminary Hrgs
	11:00 In-custody Arraignments	11:00 In-custody Arraignments	11:00 In-custody Arraignments	11:00 In-custody Arraignments	11:00 In-custody Arraignments
	1:30 Confirmed Preliminary Hrgs	1:30 Confirmed Preliminary Hrgs	1:30 Confirmed Preliminary Hrgs		
Dpt 8 725 Court St	8:30 Juvenile Matters	8:30 Juvenile Matters	8:30 Juvenile Matters	No Court	No Court
	9:30 Back-up	9:30 Back-up	9:30 Back-up		

*The traffic windows will be consolidated into the criminal division located 725 Court Street.

	Monday	Tuesday	Wednesday	Thursday	Friday
	8/24/2015	8/25/2015	8/26/2015	8/27/2015	8/28/2015
Clerk Windows	9:00 to 3:00	9:00 to 3:00	9:00 to 3:00	9:00 to 3:00	9:00 to 3:00
Dpt 1 1000 Main St.	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters	8:30 No-time Waiver Criminal and Emergency Civil/Family Matters
	1:30 In-custody Arraignments Confirmed Preliminary Hrgs	1:30 In-custody Arraignments Confirmed Preliminary Hrgs	1:30 In-custody Arraignments Confirmed Preliminary Hrgs	1:30 In-custody Arraignments Confirmed Preliminary Hrgs	1:30 In-custody Arraignments Confirmed Preliminary Hrgs
Dpt 2 1000 Main St.	8:30 Juvenile Matters	8:30 Juvenile Matters	8:30 Juvenile Matters	8:30 Juvenile Matters	8:30 Juvenile Matters
	9:30 Back-up	9:30 Back-up	9:30 Back-up	9:30 Back-up	9:30 Back-up

Please direct any questions to the Executive Office (530)406-6838. This information is also posted on the Court's website.

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

ATTACHMENT D



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

DAVID H. YAMASAKI
Chief Executive Officer

FOR IMMEDIATE RELEASE – JUNE 3, 2015

Contact: Joe Macaluso, Public Information Officer - (408) 882-2715

IMPORTANT PUBLIC NOTICE

The Superior Court of California, County of Santa Clara operates a Traffic Courthouse in Santa Clara. Currently, the traffic night court calendars are heard four times each month in Departments 55 and 56. Effective August 3, 2015, these calendars will be reduced to twice a month, eliminating the two calendars heard each month in Department 55.

Traffic night court calendars will be heard on the 2nd and 4th Tuesdays of each month at the Santa Clara Courthouse in Department 56. The Santa Clara Courthouse is located at 1095 Homestead Road, Santa Clara, California.

The Court finds the above actions are 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 funding for FY 2015-16 does not make it fiscally feasible to keep these courts open.

We apologize for the inconvenience this may cause. If you would like to submit comments about the proposed reductions, please send them to David H. Yamasaki, Court Executive Officer, 191 North First Street, San Jose, California 95113 by August 3, 2015.

For further information, please check the Superior Court website at www.scscourt.org