



## Judicial Council of California Administrative Office of the Courts

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

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 26, 2011

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| Title   | Agenda Item Type   |
| Government Code Section 68106:<br>Implementation and Notice by Trial Courts of<br>Closing Courtrooms or Clerks' Offices or<br>Reducing Clerks' Office Hours (Report #6) | Information Only   |
|   | Date of Report   |
|   | August 16, 2011  |
| Submitted by  | Contact  |
| Kenneth L. Kann, Director   | Nancy E. Spero, 415-865-7915                                       |
| Nancy E. Spero, Senior Attorney   | <a href="mailto:nancy.spero@jud.ca.gov">nancy.spero@jud.ca.gov</a> |
| Executive Office Programs Division  |  |

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### Executive Summary

In the 2010 Judiciary Budget Trailer Bill, Senate Bill 857, the Legislature provided fee increases and fund transfers for the courts and also added a new section 68106 to the Government Code.<sup>1</sup> The latter directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' office hours on days that are not judicial holidays, and (2) the council to post on its website<sup>2</sup> and relay to the Legislature all such court notices. This is the sixth report providing information about the implementation of these notice requirements.<sup>3</sup> Since the first five reports, four more courts, Alameda, San Francisco, Yolo, and

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<sup>1</sup> A copy of Government Code section 68106 is Attachment A to this report.

<sup>2</sup> The California Courts website is [www.courts.ca.gov](http://www.courts.ca.gov).

<sup>3</sup> The first report, dated December 3, 2010, can be found at <http://www.courts.ca.gov/20101214govcode68106.pdf> and was provided to the council at its December 14, 2010, business meeting. The second report, dated February 2, 2011, can be found at <http://www.courts.ca.gov/infogovcode68106.pdf> and was provided to the council at its February 25, 2011, business meeting. The third report, dated April 20, 2011, can be found at <http://www.courts.ca.gov/xbcr/cc/20110429govcode68106.pdf>, and was provided to the council at its April 26, 2011, meeting. The fourth report, dated June 7, 2011, can be found at <http://www.courts.ca.gov/documents/20110624infogovcode.pdf>, and was provided to the council at its June 24, 2011, meeting. The fifth report, dated July 20, 2011, can be found at <http://www.courts.ca.gov/documents/20110722govcode68106.pdf>, and was provided to the council at its July 22, 2011, meeting.

Kings, have given such notice, which Alameda issued on July 22, 2011, San Francisco issued on August 2, 2011, Yolo issued on August 4, 2011, and Kings issued on August 10, 2011.<sup>4</sup>

- The Alameda court will reduce clerks' office hours to 8:30 a.m. to 2:30 p.m. effective October 3, 2011. The hours of the Traffic Division will be 8 a.m. to 2:30 p.m. A drop box will be available at each court location to receive documents after 2:30 p.m.
- The San Francisco court will close 25 courtrooms, leaving three of 17 civil trial departments open, and will reduce clerks' office hours, from 8:30 a.m. to 4 p.m. These changes are effective October 3, 2011.
- The Yolo court will reduce clerks' office hours to 9:00 a.m. to 3 p.m. effective October 3, 2011.
- The Kings court will change the hours court is in session at the Avenal location effective November 2, 2011. Currently the court is in session at that location each Wednesday from 8 a.m. to noon. Effective November 2, court will be in session at this location on the first, third, and fifth (when applicable) Wednesday of each month from 8 a.m. to 5 p.m. The clerks' office hours at the Avenal location will not change; it will be open 8 a.m. to 4 p.m. except for a lunch hour, with a drop box available for payment of tickets and filing.

### **Mandate in Government Code Section 68106 (Budget Act of 2010)**

In providing fee increases and fund transfers for the courts, the Legislature in its Budget Act of 2010 expressly declared its intention that trial courts remain open to the public on days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. To that end, Government Code section 68106 imposes the following notice requirements on trial courts and the Judicial Council:

- Trial courts must provide 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."<sup>5</sup> The trial court is to provide this notice "by conspicuous posting within or about its facilities, on its public Internet Web site, and to the Judicial Council . . . ."<sup>6</sup> The notification shall include information about the scope of the closure or reduction in hours and about the financial constraints or other reasons that make the closure or reduction necessary.
- 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 the legislative Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.

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<sup>4</sup> A copy of the Alameda court's notice is Attachment B to this report. The San Francisco court's notice is Attachment C. The Yolo court's notice is Attachment D. The King court's notice is Attachment E.

<sup>5</sup> Gov. Code, § 68106(c).

<sup>6</sup> *Id.*, § 68106(b).

## Implementation Efforts

The Administrative Office of the Courts (AOC), which carries out the directives of the Judicial Council, notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate and provided legal guidance regarding compliance from the AOC Office of the General Counsel. On about July 1, 2011, the Administrative Office of the Courts, through the regional offices, sent a reminder to all presiding judges and court executives of the requirements of Government Code section 68106 if a closure or reduction in hours is determined by their courts to be necessary in light of fiscal year 2011–12 budget reductions. Trial courts have been requested to send any such notices to their AOC Regional Administrative Director.

The AOC has placed on the home page of the California Courts website a link to a “Limited Court Service Days” page with information about Government Code section 68106,<sup>7</sup> as well as notices received from trial courts about courtroom or clerks’ office closures or reductions in clerks’ office hours. Below is the current matrix from the California Courts website listing the ten courts, to date, that have given notice to the Judicial Council and linking to their notices. Since the last report to the council, the notices from the Butte, San Joaquin, and Shasta courts have been added.

| Superior Court | Date Notice Received | Notice to the Judicial Council |
|----------------|----------------------|--------------------------------|
| Alameda        | 07/25/11             | <a href="#">PDF</a>            |
| Alameda        | 08/03/11             | <a href="#">PDF</a>            |
| Butte          | 07/01/11             | <a href="#">PDF</a>            |
| Kings          | 08/10/11             | <a href="#">PDF</a>            |
| Lassen         | 11/12/10             | <a href="#">PDF</a>            |

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<sup>7</sup> This page is available at <http://www.courts.ca.gov/12973.htm>

|               |          |                     |
|---------------|----------|---------------------|
| Mendocino     | 01/21/11 | <a href="#">PDF</a> |
| San Francisco | 05/09/11 | <a href="#">PDF</a> |
| San Francisco | 08/02/11 | <a href="#">PDF</a> |
| San Joaquin   | 07/19/11 | <a href="#">PDF</a> |
| San Mateo     | 12/01/10 | <a href="#">PDF</a> |
| Shasta        | 07/15/11 | <a href="#">PDF</a> |
| Siskiyou      | 05/27/11 | <a href="#">PDF</a> |
| Tehama        | 04/18/11 | <a href="#">PDF</a> |
| Yolo          | 08/04/11 | <a href="#">PDF</a> |

The AOC has forwarded the notices from these twelve courts to the required legislative leaders.

### **Attachments**

1. Attachment A: Government Code section 68106
2. Attachment B: July 22, 2011, Notice from the Alameda trial court under Government Code section 68106
3. Attachment C: August 2, 2011, Notice from the San Francisco trial court under Government Code section 68106
4. Attachment D: August 4, 2011, Notice from the Yolo trial court under Government Code section 68106
5. Attachment E: August 10, 2011, Notice from the Kings trial court under Government Code section 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, to the extent practicable, access to court services for civil litigants be preserved in the allocation of resources by and for trial courts.

(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) Trial courts shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, 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. 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.



PAT S. SWEETEN  
 EXECUTIVE OFFICER  
 JURY COMMISSIONER AND  
 CLERK OF THE SUPERIOR COURT  
 1225 FALLON STREET  
 OAKLAND, CA 94612

Superior Court  
 State of California  
 COUNTY OF ALAMEDA

EXECUTIVE OFFICE, ROOM 209  
 PHONE: (510) 272-6076  
 FAX: (510) 271-5130

July 22, 2011

Ms. Christine Patton  
 Regional Administration Director  
 Bay Area Northern Coastal Regional Office  
 Judicial Council of California  
 455 Golden Gate Ave  
 San Francisco, Ca 94102

Ms. Patton:

Pursuant to Government Code section 68106, the Superior Court of California, County of Alameda, provides notice of a reduction in hours of all Clerks' Offices. Currently, the hours of the Clerks' Offices are 8:30 a.m. to 4:00 p.m.. Effective Monday, October 3, 2011, the hours of the Clerks' Offices shall be 8:30 a.m. to 2:30 p.m. on all days except judicial Holidays, Saturdays and Sundays. The hours of the Traffic Division shall be 8:00 a.m. to 2:30 p.m..

The Clerks' Offices are at the following locations:

Rene' C. Davidson Courthouse  
 1225 Fallon Street  
 Oakland, Ca 94612

George E. McDonald Hall of Justice  
 2233 Shoreline Drive  
 Alameda, Ca 94501

Wiley W. Manuel Courthouse  
 661 Washington Street  
 Oakland, Ca 94607

Hayward Hall of Justice  
 24405 Amador Street  
 Hayward, Ca 94544

Berkeley Courthouse  
 2120 Martin Luther King Jr. Way  
 Berkeley, Ca 94704

Juvenile Justice Center  
 2500 Fairmont Drive  
 San Leandro, Ca 94578

Gale Schenone Hall of Justice  
 5672 Stoneridge Drive  
 Pleasanton, Ca 94588

Fremont Hall of Justice  
 39439 Paseo Padre Parkway  
 Fremont, Ca 94538

July 22, 2011

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The Court finds it necessary to reduce the hours of the Clerks' Offices due to the continuing state budget crisis. Since fiscal year 2009-2010, the Court's budget has been reduced by \$24.7 million. The Court's workforce has been reduced by 20% compared to three years ago.

The steps that the Court has taken to address the budget reductions include re-negotiating contracts, consolidating services and, as previously stated, a significant reduction in the workforce through employee furloughs, layoffs and attrition.

Reduction in the Clerks' Offices hours will provide time for court staff to process cases timely and prepare court calendars. Please contact me if you have any questions regarding this notice.

Sincerely

A handwritten signature in cursive script, appearing to read "Pat Sweeten".

Pat Sweeten  
Executive Officer

PS:cw

# ATTENTION!

*Superior Court of California, County of Alameda*

## **Effective October 3, 2011: All Clerks' Offices will CLOSE at 2:30 PM.**

- Beginning Monday, October 3, the Court Clerk's Offices throughout Alameda County will open at 8:30 AM and close at 2:30 PM, Monday - Friday.
- A document drop box will be available at each court location to receive documents after 2:30 PM.

These new hours are the result of unprecedented budget cuts to the statewide Judicial Branch and will continue indefinitely.

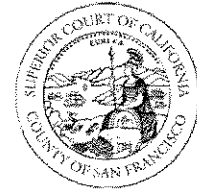
Please see the Superior Court web site for additional information: [www.alameda.courts.ca.gov](http://www.alameda.courts.ca.gov)



# SUPERIOR COURT OF CALIFORNIA

## COUNTY OF SAN FRANCISCO

400 McAllister Street, Room 205  
 San Francisco, CA 94102-4512  
 Phone: 415-551-5737  
 FAX: 415-551-5701



T. MICHAEL YUEN  
 COURT EXECUTIVE OFFICER

August 2, 2011

Ms. Christine Patton  
 Director, Bay Area Northern Coastal Regional Office  
 Judicial Council of California  
 Administrative Office of the Courts  
 455 Golden Gate Ave.  
 San Francisco, CA 94102

***Re: Notification of Closure of 25 Civil Courtrooms, Daily Limited Service Hours in Clerks' Offices***

Dear Ms. Patton:

Pursuant to Government Code Section 68106, the Superior Court of California, County of San Francisco, is providing notice of the indefinite closure of 25 courtrooms and reduced hours in all of our clerks' offices due to an insurmountable multi-year budget deficit resulting from unprecedented cuts the Governor and the legislature carved from the judicial branch. The closure of these courtrooms, which will paralyze and stunt our civil caseload in San Francisco, coincides with a 40 percent reduction in our staff.

The layoffs will take effect at the close of business on September 30, 2011. The courtroom closures, which will leave just three of 17 civil trial departments open, will most certainly deny access to justice in the San Francisco Superior Court, effective October 3, 2011.

Also effective October 3, 2011, all clerks' offices in the San Francisco Superior Court will open at 8:30 a.m. – 30 minutes later than usual, Monday through Friday. This change will essentially eliminate our existing Limited Service Days in effect on Fridays since January 21, 2011 by opening at 8:30 a.m. – instead of 8 a.m. – and closing at 4 p.m. rather than 12 p.m. each Friday. In addition to the later opening each weekday morning, the 40 percent reduction in staff also will require the Court to close the Criminal Division clerk's office and the Traffic Division clerk's office at 4 p.m. – 30 minutes earlier than usual. The effect of these changes is summarized below:

- Monday – Friday – All clerks' offices will be open from 8:30 a.m. – 4 p.m.

Since 2008, the Governor and legislature have pushed through \$652 million in ongoing budget cuts to the judicial branch. These cuts have left our Court with a structural deficit and a dire multi-year problem. In total for FYs 2011-12, 2012-13, and 2013-14, the Court faces a cumulative \$20.4 million deficit. While the Governor and legislature have approved fee increases in prior years to help mitigate the cuts, most of those fees are temporary in nature and expire in 2013, which creates a structural imbalance where fees are temporary solutions for permanent and ongoing budget cuts with no

Ms. Chris Patton  
August 2, 2011  
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specified end date. Further, one-time fund shifts that have been approved by the Governor and legislature to reduce the impact of budget reductions are also temporary solutions that eventually disappear. The Court cannot balance our budget on short-term revenues and accounting maneuvers while hoping that four years of funding cuts will be reversed. Therefore, it is necessary to reject temporary and one-time budget fixes that do nothing to address the ongoing structural deficit that has plagued our budget for each of the past three fiscal years. While Presiding Judge Katherine Feinstein and I are consumed by the grim tasks of dismantling our Court and preparing to lay off our loyal and experienced staff, we had no other choice given the realities of our bottom line resulting from the actions of our sister branches of government. It is our hope to avoid additional layoffs in mid-January if optimistic state revenue projections fail to materialize, or at the start of the new fiscal year on July 1, 2012.

With a hiring freeze in effect since April 2009, the Court is left with 484 employees out of the 591 we had just three years ago. After the painful downsizing of our Court, we will retain just 284 employees.

The public impacts will be vast and widespread for many Court users. The Court's reorganization after the civil courtroom closures will affect everyone from self-represented litigants who do not speak English but want to get a divorce, to corporate businesses seeking millions in high-profile business disputes, to tenants who were wrongfully evicted, to under-served parents trying to avoid losing their children permanently or trying to obtain a timely child custody order. Many needs will go unmet in the civil arena, including family law, probate and litigation, while the Court fulfills statutory time requirements related to the adjudication of adult and juvenile criminal cases. People who rely on and need the Court to peacefully resolve their disputes will now have a severe reduction in access to justice due to the Governor's and legislature's actions.

It is with deep regret that I provide you with this notification. I must emphasize once again that the judicial branch needs to secure adequate state funding and support from the Governor and legislature in order to fulfill our core mission of fair and equal access to justice in San Francisco.

Sincerely,

/s/  
T. Michael Yuen  
Court Executive Officer

cc: Hon. Katherine Feinstein, Presiding Judge, Superior Court of California, County of San Francisco  
Hon. Cynthia Ming-mei Lee, Assistant Presiding Judge, Superior Court of California, County of San Francisco



# Superior Court of California, County of San Francisco

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## Notice of Courtroom Closures

### Daily Limited Services Hours

#### **COURT ANNOUNCEMENT**

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Pursuant to Government Code section 68106, the Superior Court of California, County of San Francisco, hereby provides public notice that effective October 3, 2011, the Court will indefinitely close 25 civil courtrooms and reduce daily hours in all clerks' offices. The Courtroom closures and reduction of public hours in all clerks' offices are the result of state budget cuts made by the governor and the legislature.

**In total for FYs 2011-12, 2012-13, and 2013-14, the Court faces a cumulative \$20.4 million deficit.**

#### **LIMITED SERVICE HOURS**

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Effective October 3, 2011, all clerks' offices in the San Francisco Superior Court will open at 8:30 a.m. – 30 minutes later than usual, Monday through Friday. In addition to the later opening each weekday morning, the 40 percent reduction in staff also will require the Court each day to close the Criminal clerk's office and the Traffic Division clerk's office at 4 p.m. – 30 minutes earlier than usual.

**PLEASE NOTE THAT BEGINNING OCTOBER 3, 2011, THE NEW CLERKS' OFFICE SCHEDULE REPLACES THE PREVIOUS LIMITED SERVICE DAYS ON FRIDAYS IN EFFECT SINCE JANUARY 21, 2011.**

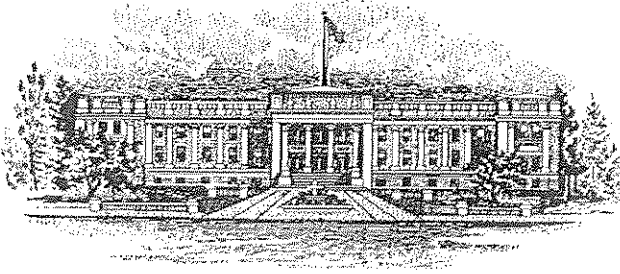
The effect of these new limited service hours is summarized below:

- **Monday – Friday – All clerks' offices will be open from 8:30 a.m. to 4 p.m.\*\***

**\*\*Drop boxes will no longer be available. Please note that anyone not being assisted at a window at 4 p.m. will not be allowed to file their papers until the next business day.\*\***

The San Francisco Superior Court Clerks' offices are located at:

|                          |                                      |          |
|--------------------------|--------------------------------------|----------|
| Hall of Justice:         | Criminal clerk's office:             | Room 101 |
|                          | Traffic Division clerk's office:     | Room 145 |
| Civic Center Courthouse: | Civil clerk's office:                | Room 103 |
|                          | Unified Family Court clerk's office: | Room 402 |
| Youth Guidance Center:   | Juvenile Delinquency clerk's office: | Room 101 |



SUPERIOR COURT  
Of the State of California for the  
County of Yolo  
725 Court Street, Room 308  
Woodland CA 95695

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**James B. Perry**  
Court Executive Officer

August 4, 2011

Ms. Jody Patel  
Regional Administrative Director  
Northern/Central Regional Office  
Judicial Council of California  
Administrative Office of the Courts  
2880 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833-3509

RE: Notification Pursuant to Government Code Section 68106

Dear Ms. Patel:

Pursuant to Government Code Section 68106, the Superior Court of California, County of Yolo is providing 60 day notice of the reduction in operational hours for the public filing windows and telephones in the Civil Department, Criminal Department, Traffic Division, and the Court Collections Unit/Payment Center. A copy of the public notice is enclosed.

Effective **October 3, 2011**, the operating hours for filing windows and phones in the Civil Department, the Criminal Department, the Court Collections Unit/Payment Center, and the Traffic Division will be Monday – Friday from **9:00 am – 3:00 pm**, excluding holidays.

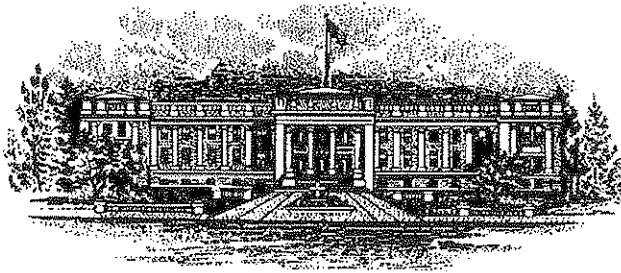
Yolo Superior Court finds this reduction in operating hours to be a necessary and unavoidable consequence of the unprecedented budget crisis facing the Judicial Branch.

Sincerely,

  
James B. Perry  
Court Executive Officer

Enclosure

cc: David Rosenberg, Presiding Judge, Yolo Superior Court



## SUPERIOR COURT

Of the State of California for the  
COUNTY OF YOLO  
Executive Office  
725 Court Street, Room 308  
Woodland CA 95695  
[www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov)  
(530) 406-6838

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# PUBLIC NOTICE

## Pursuant to Government Code Section 68106

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**August 4, 2011**

### Notice of Reduction in Operating Hours

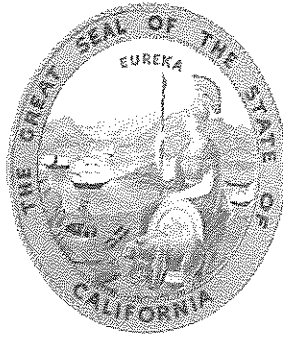
Pursuant to Government Code Section 68106, the Superior Court of California, County of Yolo is providing 60 day notice of the reduction in operational hours for the public filing windows and telephones in the Civil Department, Criminal Department, Traffic Division, and the Court Collections Unit/Payment Center.

Currently the operating hours for the Yolo Superior Court filing windows and phones in the Civil Department, Criminal Department, and Traffic Division are Monday– Friday from 8:30 am– 4:00 pm, excluding holidays. The current operating hours for the Court Collections Unit/Payment Center are Monday– Friday from 8:30 am– 4:30 pm, excluding holidays.

Effective **October 3, 2011**, the operating hours for filing windows and phones in the Civil Department (Room 103), the Criminal Department (Room 111), the Court Collections Unit/Payment Center (Room 210) and the Traffic Division (275 First Street) will be Monday – Friday from **9:00 am – 3:00 pm**, excluding holidays.

Over the past three years the California Judicial Branch budget has been reduced by 30%. The Legislature and Governor recently approved an additional permanent \$350 million dollar budget reduction to the Judicial Branch. Yolo Superior Court must absorb a 6.8% budget reduction for fiscal year 2011-12, a 15.2% reduction for 2012-13, and over 20% reduction in fiscal years 2013-14 and 2014-15.

Until now the Court has been able to stay within its budget by prudent management and cost saving measures such as a hiring freeze, voluntary furloughs and reduction in travel and training. However, the current number of vacant positions coupled with the fact that Yolo Superior Court has historically been understaffed and underfunded has created an untenable staffing shortage. Reducing the filing window and telephone hours is a necessary and unavoidable consequence of the unprecedented budget crisis facing the Judicial Branch.



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KINGS

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

Pursuant to Government Code § 68106 and Rule 10.620 of the  
California Rules of Court

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August 10, 2011

Effective November 2, 2011, the Court will change the hours that it is in session at its Avenal location. Currently, the court holds courtroom proceedings at that location for a half day, between 8:00 a.m. – 12:00 p.m. each Wednesday of the week. Beginning November 2, the court will move to a new schedule of holding courtroom proceedings for a full day, between 8:00 a.m. and 5:00 p.m. on the first, third and fifth (when applicable) Wednesday of every month. The hours that the court clerk's office is open at the Avenal location will remain unchanged. The office will still be open Monday through Friday from 8:00 a.m. to 4:00 p.m., with the exception of the lunch hour. A drop box is located outside the Avenal Court for payment of tickets and filing of paperwork. (The court previously invited input from the public regarding this proposed change and received no comments.)

The Superior Court Judges in Kings County have concluded that the change in courtroom hours in Avenal is necessary because of the continuing state budget crisis. That crisis has caused significant permanent reductions to the state's funding for the judicial branch, with resulting cuts to this court's annual budget. The court has taken a number of prior steps to institute cost-savings, while reserving services to the public. It has instituted a hiring freeze, eliminated positions, and negotiated contractual cost-savings. Given the new state budget recently enacted, and the resulting amount of the court's likely budget allocation this year, the court concludes it has no alternative but to act now to institute the change described in this notice, to achieve maximum efficiencies and to avoid further greater cost-cutting action in the future.