



Judicial Council of California Administrative Office of the Courts

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

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2013

Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 22)	Information Only
	Date of Report
	October 11, 2013
Submitted by	Contact
Jody Patel, Chief of Staff Pam Reynolds, Manager Judicial Council and Court Leadership Services Division	Pam Reynolds, 916-263-1462 pam.reynolds@jud.ca.gov

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 22nd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, five superior courts—those of Tulare, Inyo, Kings, Stanislaus, and Tehama 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 45 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 21 prior informational reports listing such notices as they have been received.

Notices Received From Five Courts Since Last Report

This is the 22nd 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 five trial courts:

1. Effective November 1, 2013, the Superior Court of **Tulare** County will implement a one-hour reduction in the clerk's public telephone hours. Currently, the clerk's office telephone access is available to the public from 8:00 a.m. to 5:00 p.m., excluding court holidays and weekends. Effective November 1, 2013, the new telephone hours in the clerk's offices will be Monday through Friday 8:00 a.m. to 4:00 p.m. (*Attachment B*)
2. Effective October 17, 2013, the Superior Court of **Inyo** County will decrease available hours of public counter/in-person access as well as hours for public telephone calls. Traffic calls will be answered in the afternoon only, between the hours of 1:00 p.m. and 4:00 p.m. Counters/public will be served from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. The counters/clerk offices will be locked from 8:00 a.m. to 8:30 a.m., 12:00 p.m. to 1:00 p.m., and 4:00 p.m. to 5:00 p.m. when clerks are unavailable. Additionally, Department 4 (Bishop) will close their counter from 12 noon to the close of business each and every Friday. Department 1 and Department 3 (Independence) will close their counters from 12 noon to the close of business each and every Wednesday. A document and payment drop box will be provided at all locations to receive documents during the hours that the court is closed to the public. (*Attachment C*)
3. The Superior Court of **Kings** County intends to reduce staffing and temporarily limit the hours and operations of its Divisions and Departments between December 24, 2013, and January 1, 2014, as follows:
 - Between December 24, 2013, and January 1, 2014, the Court's Avenal and Corcoran Divisions will be closed. Only the Hanford Division of the Kings County Superior Court will remain open for business.
 - The Jury Office will be closed between December 24, 2013, and January 1, 2014, any questions regarding jury service should be directed to the Clerk of the Court at the Hanford Courthouse.
 - On December 24, 2013, the Hanford Courthouse will close at noon. There will be no hearings nor other proceedings scheduled after 12:00 p.m. on December 24, 2013. The Clerk's Office will close at 12:00 p.m., however, a drop box for documents and payments will be available.

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

- On December 26, 2013, through December 31, 2013, staffing of all departments of the Hanford Courthouse will be reduced. (*Attachment D*)
4. The Superior Court of **Stanislaus** County will be closed from 12:00 p.m. to 5:00 p.m. on the following dates due to limited staffing:
- Wednesday, November 27, 2013;
 - Tuesday, December 24, 2013; and
 - Tuesday, December 31, 2013

A drop box will be provided for filing papers or submitting payments. (*Attachment E*)

5. Effective November 25, 2013, the Superior Court of **Tehama** County will change its hours of operation to 10:00 a.m. to 2:00 p.m. Monday through Friday. Current hours of operation are 9:00 a.m. to 4:00 p.m. Monday through Thursday, 9:00 a.m. to 3:00 p.m. Friday, and closed Monday through Friday from 12:00 p.m. to 1:00 p.m. This change applies to all Red Bluff Court Office locations. A document drop box will be provided at all locations to receive documents during the hours the court is closed to the public. (*Attachment F*)

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

³ Gov. Code, § 68106(c).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

“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

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 the AOC’s Legal Services Office (LSO) 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, LSO Senior 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 AOC 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.¹⁰ Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The AOC 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 Tulare, August 16, 2013

Attachment C: Notice from the Superior Court of Inyo, August 16, 2013

Attachment D: Notice from the Superior Court of Kings, September 13, 2013

Attachment E: Notice from the Superior Court of Stanislaus, September 17, 2013

Attachment F: Notice from the Superior Court of Tehama, September 25, 2013

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

⁹ *Id.*, § 68106(b)(3).

¹⁰ The Reduced Court Services page has been updated recently, so that court notices now are grouped according to whether the 60-day period has expired or not, making it easier to identify new notices at a glance.

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 TULARE

PUBLIC NOTICE

PURSUANT TO GOVERNMENT CODE SECTION 68106

NOTICE OF REDUCTION IN PUBLIC TELEPHONE ACCESS HOURS

Posted August 19, 2013

Pursuant to Government Code Section 68106, the Superior Court of California, County of Tulare, is providing sixty days notice of the Court's decision to reduce telephone service in the Clerk's Offices. **This reduction is necessary due to the unprecedented and ongoing State budget cuts.**

Currently, the Clerk's Office telephone access is available to the public from 8:00 a.m. to 5:00 p.m., excluding court holidays and weekends. Effective November 1, 2013, the Tulare County Superior Court's new telephone hours in the Clerk's Offices will be as follows:

MONDAY THROUGH FRIDAY:

8:00 A.M. – 4:00 P.M.

Any interested person or entity who wishes to comment may do so, in writing, by either of the following methods:

E-mail: tcsccomments@tulare.courts.ca.gov

OR

Correspondence: Tulare County Superior Court

Attn: Administration

221 S. Mooney Blvd., Room 303

Visalia, CA 93291

Press Release

Contact: Tammy L. Grimm
Court Executive Officer FOR IMMEDIATE RELEASE
(760) 872-6728 August 16, 2013

*****PUBLIC NOTICE*** PURSUANT TO GOVERNMENT CODE 68106**

NOTICE OF CHANGE OF SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO

TELEPHONE AND COUNTER/OFFICE HOURS

EFFECTIVE OCTOBER 17, 2013

Due to severe, permanent budget reductions and a reduced work force, the Superior Court of California, County of Inyo will decrease available hours of public counter/in-person access as well hours for public phone calls. Through attrition, the court clerks' office staff will be reduced by 40% as of December 2013, with no replacement staff being hired due to fiscal constraints. However, the number of filings that the court has received has remained constant. These permanent service reductions, described below, are necessary for the Court to continue to provide continued and effective court operations amidst the fiscal crisis that was imposed upon the Judicial Branch. The adjustment of office and telephone hours will allow staff to eliminate backlog that has accrued in multiple areas of the court and give necessary time to process

Page 2

paperwork. Therefore, we regret to inform the public that access to the Superior Court of California, County of Inyo will be limited as follows as of October 17, 2013:

- 1) TRAFFIC AND PHONE CALLS. Traffic calls will be answered in the afternoon only, between the hours of 1-4 pm. A message will greet court users who call in at alternate times directing them as to when to call back, or how to access the Court via email. Court users will be alerted, in the Court's call tree, that these reduced telephone hours are due to staffing reductions and court service operational limitations.
- 2) COUNTERS. Counters/public will be served from 8:30-12 and 1-4, with the following exceptions:
 - a. The counters/clerk offices will be locked from 8-8:30 AM, 12-1 PM, and 4-5 PM when clerks are unavailable. Appropriate signage will be visible to the public.
 - b. A document and payment drop box will be provided at all locations to receive documents during the hours that the court is closed to the public. All drop boxes will be checked throughout the day and at 8 AM and 4 PM each court business day. Documents and payments will be received and filed and entered the day they are dropped. However, any document or payment dropped after 4 pm will be received and filed or applied to the account the following court business day.

~ MORE ~

Page 3

- c. **Department 4 (Bishop)** will close their counter from **12 noon to the close of business** each and every FRIDAY.
- d. **Department 1 and Department 3 (Independence)** will close their counters from **noon to the close of business** each and every WEDNESDAY.
- e. **Payments and document processing will be delayed.**
- Payments, traffic school, and citations may take up to 10 business days (from the date received by the citing agency) to enter. Courtesy notices, the court's phone tree, and the court's website will reflect an idea of how long processing is taking, which is a frequent question of the public.

Public comments regarding the above action are welcome and may be submitted by mail, fax, or e-mail to:

Tammy L. Grimm, Court Executive Officer
Superior Court of California, County of Inyo
301 W. Line Street
Bishop, CA 93514
tammy.grimm@inyocourt.ca.gov
Fax: 760-872-4984

Public comments must be received no later than 5 pm on October 16, 2013. This notice is given in compliance with Government Code section 68106.



SUPERIOR COURT OF CALIFORNIA
COUNTY OF KINGS

*** * *PUBLIC NOTICE* * ***

Pursuant to Government Code §68106

Pursuant to California Government Code Section 68106, the Superior Court of Kings County hereby gives notice of its proposed intent to reduce staffing and temporarily limit the hours and operations of its Divisions and Departments between December 24, 2013 and January 1, 2014, as follows:

1. Between December 24, 2013 and January 1, 2014, the Court's Avenal and Corcoran Divisions will be closed. Only the Hanford Division of the Kings County Superior Court will remain open for business.
2. The Jury Office will be closed between December 24, 2013 and January 1, 2014, any questions regarding jury service should be directed to the Clerk of the Court at the Hanford Courthouse.
3. On December 24, 2013, the Hanford Courthouse will close at noon. There will be no hearings nor other proceedings scheduled after 12:00 p.m. on December 24, 2013. The Clerk's Office will close at 12:00 p.m., however a drop box for documents and payments will be available. Documents and payments deposited therein before 4:00 p.m. on December 24, 2013 will be deemed filed/received on that date. Documents/payments received after 4:00 p.m. on December 24, 2013, will be filed/received on December 26, 2013. Drop boxes will be located in Buildings A and B of the Hanford Courthouse located at 1426 South Drive, Hanford, California 93230. The drop box located in Building A will be located on the south-end of the building and the one in Building B will be located on the north-end of the building.
4. On December 26, 2013 through December 31, 2013, staffing of all departments of the Hanford Courthouse will be reduced. During this period of reduced staffing, the Hanford Courthouse Clerk's Office will revert back to its pre-December 24, 2013 hours of operation; however, longer processing and response times may be experienced.
5. On December 25, 2013 and January 1, 2014, the Hanford Courthouse will be closed. Pre-December 24, 2013 operations and staffing levels will be restored to all Divisions of the Kings County Superior Court on January 2, 2014.

The Superior Court Judges in Kings County have concluded that this temporary closure of outlying divisions and/or limitation in staffing levels and hours of the Hanford Courthouse is necessary in order to address the most severe fiscal crisis that the Court has ever experienced. The limitation of hours and services set forth above is just one of many cost-saving steps taken by the Court to address California's fiscal crisis.

Any interested person or entity wishing to comment on the court's plan of action should direct the same on or before November 18, 2013, to Todd H. Barton, Court Executive Officer at 1426 South Drive, Superior Court, Hanford, California, 93230. You may also send your comments via email to tbarton@kings.courts.ca.gov. All public input will be considered.



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

PUBLIC NOTICE*

NOTICE OF COURT CLOSURE

The Court will be **closed** from **12 p.m. to 5:00 p.m.** on the following dates due to limited staffing:

Wednesday, November 27, 2013

Tuesday, December 24, 2013

Tuesday, December 31, 2013

Please use the designated drop box located outside the Family Law and Civil Division Clerk's offices 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 on these days up to and including 12:00 p.m. will be 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 TEHAMA**

*****PUBLIC NOTICE*****
PURSUANT TO GOVERNMENT CODE 68106

FOR IMMEDIATE RELEASE

DATE: September 25, 2013

**NOTICE OF CHANGE OF
TEHAMA SUPERIOR COURT OFFICE HOURS**

EFFECTIVE MONDAY, NOVEMBER 25, 2013

The following schedule will apply:

MONDAY THROUGH FRIDAY

10:00 AM to 2:00 PM

- ❖ This notices a reduction in hours from 9:00 AM to 4:00 PM Monday through Thursday and 9:00 AM to 3:00 PM Friday; and also being closed Monday through Friday from 12 PM to 1 PM.
- ❖ This change applies to all Red Bluff Court Office locations as our Corning Branch closed as of July 1, 2013.
- ❖ A document drop box will be provided at all locations to receive documents during the hours the court is closed to the public. All drop boxes will be checked throughout the day and at 8:00 a.m. each court business day. Documents will be received and filed the day they are dropped. Any document dropped after 5:00 p.m. will be received and filed the following court business day.
- ❖ The Tehama Superior Court has taken this action due to ongoing budget cuts and a reduced work force. Through attrition, the court clerks' office staff has been reduced by approximately 25% over the past three years, with no replacements being hired due to fiscal constraints. The number of filings that the court has received in the same period, however, has remained constant. This adjustment to the court's public office hours announced in this notice will allow staff to eliminate backlog that has accrued in multiple areas of the court and give necessary time and attention to new work. It also will allow all employees to participate in meetings and trainings, facilitating internal communication and allowing staff to keep abreast of any changes in law or policies and procedures, which is necessary to ensure a continued high level of service for all court users.

Public comments may be sent to gsetter@tehamacourt.ca.gov
or mailed to: Tehama Superior Court, Attn: Gina Setter, CEO, 633 Washington Street, Red Bluff
CA, 96080