



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 July 29, 2014

Title	Agenda Item Type
Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 25)	Information Only
	Date of Report
	July 9, 2014
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 25th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, two superior courts—those of Fresno and Solano 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 24 prior informational reports listing such notices as they have been received.

Notice Received From Two Courts Since Last Report

This is the 25th 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 two trial courts:

1. The Superior Court of **Fresno** County intends to temporarily close the Family Support Courtrooms, located in the B.F. Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services Staff. The Family Support Clerk's Office will remain open. Departments 301 and 302 will be closed on the following days:
 - Tuesday, September 30th (afternoon only)
 - Wednesday, October 1st, 2014
 - Thursday, October 2nd, 2014
 - Friday, October 3rd, 2014
 - Monday, October 6th, 2014
 - Tuesday, October 7th, 2014
 - Wednesday, October 8th, 2014
 - Thursday, October 9th, 2014

(Attachment B)

2. Effective September 29, 2014, the Superior Court of **Solano** County will close the Family Law Clerk's Office located at the Solano Justice Center in Vallejo and consolidate with the Family Law Clerk's Office in the Hall of Justice, 600 Union Avenue, Fairfield. A drop box for same day filings will be available during normal business hours at the Solano Justice Center in Vallejo.

Effective September 22, 2014, the Civil Clerk's Office located at the Solano Justice Center in Vallejo will close. The Civil Clerk's Office in Vallejo and Fairfield will reopen at the Old Solano Courthouse located at 580 Texas Street, Fairfield. Small Claims will remain in the Hall of Justice at 600 Union Avenue. A drop box for same day filings will be available during normal business hours at the Solano Justice Center in Vallejo.

(Attachment C)

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

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

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

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

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).

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 Fresno, June 18, 2014

Attachment C: Notice from the Superior Court of Solano, June 25, 2014

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.

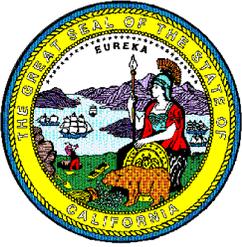
(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, 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 Fresno



NEWS RELEASE

FOR IMMEDIATE RELEASE
June 18, 2014

**Superior Court of California, County of Fresno
RE: Intent to Temporarily Close the Family Support Courtrooms**

For More Information Contact:**Sherry Spears, Media Coordinator (559) 457-1605****sspears@fresno.courts.ca.gov**

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

Departments 301 & 302 will be closed on the following days:

- Tuesday, September 30th (afternoon only)
- Wednesday, October 1st, 2014
- Thursday, October 2nd, 2014
- Friday, October 3rd, 2014

- Monday, October 6th, 2014
- Tuesday, October 7th, 2014
- Wednesday, October 8th, 2014
- Thursday, October 9th, 2014

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 18, 2014.

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

##



*SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO*

Executive Office
600 Union Avenue
Fairfield, CA 94533
Phone (707) 207-7475
Fax (707) 426-1631

Public Notice

Contact: Brian K. Taylor
Court Executive Officer
Phone: (707)207-7475

FOR IMMEDIATE RELEASE:

Date: June 25, 2014
Fairfield, California

**PUBLIC NOTICE PURSUANT TO GOVERNMENT CODE SECTION 68106
NOTICE OF CLOSURE OF FAMILY AND CIVIL CLERK'S OFFICES IN VALLEJO**

Pursuant to Government Code section 68106, the Superior Court of California, County of Solano is providing sixty (60) days notice of the Court's decision to close the Family and Civil Clerk's Offices at the Solano Justice Center, 321 Tuolumne Street, in Vallejo.

Currently the Family and Civil Clerk's Offices are open to the public from 8:00 a.m. to 2:00 p.m., Monday thru Friday, excluding court holidays and weekends. Effective September 29, 2014, the Family Law Clerk's Office will close and be consolidated with the Family Law Clerk's Office in the Hall of Justice, 600 Union Avenue, Fairfield. A drop box for same day filings will be available during normal business hours at the Solano Justice Center in Vallejo.

Effective September 22, 2014, the Civil Clerk's Office located at the Solano Justice Center in Vallejo will close. The Civil Clerk's Office in Vallejo and Fairfield will reopen at the Old Solano Courthouse located at 580 Texas Street, Fairfield. Small Claims will remain in the Hall of Justice at 600 Union Avenue. A drop box for same day filings will be available during normal business hours at the Solano Justice Center in Vallejo.

This action is necessary pursuant to the limited funding provided to the Judicial Branch in the State Budget Act for 2014. Over the past six years, the Solano Court's budget has been reduced by \$5 million dollars. Although the current Budget Act restores some funding to the Judicial Branch, the additional funding is insufficient to maintain services and leaves the Court with a projected deficit of \$830,000 for FY 14/15.

Over the past five years the Court has instituted various cost saving measures including a hiring freeze, furloughs, early retirement program, implementation of electronic reporting in misdemeanors, reengineering court processes for efficiencies and renegotiating court contracts. Staffing levels have been reduced by 21%. The Court is mandated to further reduce services to the public in order to balance the Court's budget for FY 14/15.

Closing the Family and Civil Clerk's Offices in Vallejo is estimated to save the Court \$200,000 per year. If you have comments regarding this action, please send them in writing to Brian Taylor, Court Executive Officer, 600 Union Avenue, Fairfield, CA 94533 by July 3, 2014.