



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-061

For business meeting on January 21, 2022

Title

Trial Courts: Public Notice by Courts of
Closures or Reduced Clerks' Office Hours

Agenda Item Type

Information Only

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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 relay them to the Legislature. This report lists the latest court notice received by the council under this statutory requirement. Since the previous report, one superior court—the Superior Court of Del Norte County—has issued a new notice.

Relevant Previous Council Action

Since the enactment of section 68106, 56 notices have been issued by courts under its requirements. The Judicial Council has posted 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 (Sen. Bill 857; Stats. 2010, ch. 720), 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 (see Link A) affirmed this intent, and the 2012 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 clerk’s office, or reducing clerk’s office hours,¹ 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.”²
- 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.”³
- 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.⁴ Courts are, expressly, *not* obligated to respond to comments received.⁵
- 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. The change in plan does not require notification, however, beyond the original 60-day period.⁶
- 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 the Senate and Assembly Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁷

Notices received from courts since last report

The Judicial Council has received one new notice (see Attachment A). The Superior Court of Del Norte County provided notice that, due to staffing requirements and limitations, the operating hours for the clerk’s office filing windows and telephones will change, effective December 1, 2021, until further notice, to allow staff to provide improved and more timely services to the public. The current hours for both windows and telephones are Monday through Friday from 8 a.m. to 5 p.m., and they will be changed to Monday through Friday, 8:00 a.m. to 4:30 p.m. (windows) and Monday through Friday, 8:30 to 4:30 p.m. (telephones). A drop box will be

¹ Gov. Code, § 68106(b)(1).

² *Id.*, § 68106(c).

³ *Id.*, § 68106(b)(1).

⁴ *Id.*, § 68106(b)(1) & (2)(A).

⁵ *Id.*, § 68106(b)(2)(B).

⁶ *Id.*, § 68106(b)(2)(A).

⁷ *Id.*, § 68106(b)(3).

available at the exterior to the courthouse building to receive documents and payments outside of the clerk's office operating hours, and any document deposited in the drop box up to 4 p.m. on a court day is deemed to have been deposited for filing that day.

The notice detailed above has been added to the "Reduced Court Services" webpage (www.courts.ca.gov/12973.htm) of the California Courts website. The webpage contains a summary of section 68106 and all notices received from trial courts about closures of courtrooms or clerks' offices, or reductions in clerks' office hours. Judicial Council staff have also forwarded the notices from these courts to the designated legislative leaders.

Fiscal Impact and Policy Implications

Posting the notice to the California Courts website fulfills a legislative mandate and has no fiscal impact or policy implications.

Attachments and Links

1. Attachment A: Notice from the Superior Court of Del Norte County, October 1, 2021
2. Link A: Gov. Code, § 68106, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=68106