



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-118

For business meeting on July 15, 2022

Title

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

Agenda Item Type

Information Only

Date of Report

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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 relay them to the Legislature. This report lists the latest court notices received by the council under this statutory requirement. Since the previous report, two superior courts—the Superior Courts of San Benito County and Ventura County—have issued new notices.

Relevant Previous Council Action

Since the enactment of section 68106, 58 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 two new notices (see Attachments A and B):

1. ***Superior Court of San Benito County.*** The court provided notice that, due to limited staff resources, the Family Court Services and Self-Help Center clerks’ window hours will be shortened. The current window hours are Monday through Friday, 8:30 a.m. to 4:00 p.m., but beginning July 5, 2022, they will be reduced to 8:30 a.m. to 3:00 p.m., excluding holidays, until further notice. A drop box will be located inside the courthouse to receive payments and documents during the courthouse hours of 8 a.m. to 5 p.m. Any documents or payments

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).

deposited in the drop box up to and including 4 p.m. on a court day will be deemed filed that day.

2. ***Superior Court of Ventura County.*** The court provided notice that, effective July 6, 2022 through September 30, 2022, due to staffing shortages, the Family Law, Probate, Civil, Small Claims, Appeals, Mental Health, Juvenile Clerk's Offices, and Records & Exhibits departments clerks' window and telephone hours will be shortened on Thursdays and Fridays only. The current window hours are Monday through Friday, 8:30 a.m. to 12:00 p.m. and 1:30 to 4:00 p.m., with telephone availability from 8:00 to 11:30 a.m. and 1:30 to 4:00 p.m., but beginning July 6, 2022, they will be reduced to 8:30 a.m. to 12:00 p.m. for in-person appointments and to 8 a.m. to 12 p.m. for telephone availability on Thursdays and Fridays. Effective October 2 to December 31, 2022, the in-person appointment and telephone hours will be changed to 8 a.m. to 12 p.m., excluding holidays. Drop boxes will continue to be provided outside of the main Ventura Courthouse (Hall of Justice) and the Juvenile Justice Center for filing papers or submitting payments. Documents or payments deposited in the drop box by 4 p.m. on a court day will be deemed filed that day.

The notices detailed above have 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 San Benito County, May 2, 2022
2. Attachment B: Notice from the Superior Court of Ventura County, May 6, 2022
3. Link A: Gov. Code, § 68106, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=68106



Superior Court of California, County of San Benito

PUBLIC NOTICE

GOVERNMENT CODE SECTION 68106

FOR IMMEDIATE RELEASE

DATE: May 2, 2022

NOTICE OF REDUCTION IN OPERATING HOURS

The Superior Court of California, County of San Benito intends to reduce the hours for the public filing windows, Family Court Services and Self Help Center. The reduction in office hours is due to operational needs of the Court resulting from limited staff resources. Reducing office hours would enable the Court to adequately process work in a timely manner as well as enable the Court to provide more training and development resources to the clerks, thus providing more efficient and effective customer service.

Effective July 5, 2022, the clerk's windows, Family Court Services and Self Help Center will be open to the public from **8:30 a.m. to 3:00 p.m. Monday through Friday**. The courthouse will remain open from 8:00 a.m. to 5:00 p.m. and phone hours will remain 8:00 a.m. to 4:00 p.m. A drop box is located inside the courthouse to receive payments and documents during the courthouse hours of 8:00 a.m. to 5:00 p.m. Any documents or payments deposited in the drop box up to and including 4:00 p.m. on a court day will be deemed filed that day. Any document or payment deposited in the drop box after 4:00 p.m. on a court day will be deemed filed the following day.

We apologize for any inconvenience this may cause. If you would like to submit comments on the reduction in the office hours, please send them to San Benito County Superior Court, Court Administration, 450 Fourth Street, Hollister, CA 95023 or email admin@sanbenito.courts.ca.gov by Friday, June 24, 2022



Superior Court of California
County of Ventura

PUBLIC NOTICE
May 6, 2022

Effective July 6, 2022

Reduction in Clerk's Office Hours

Pursuant to *Government Code* §68106, the Superior Court of California, County of Ventura, is providing 60 days' notice of a reduction of hours for the public counters and telephones for the listed Clerk's Offices.

Effective **Wednesday July 6, 2022 – September 30, 2022:**

The in-person appointment hours for the **Family Law, Probate, Civil, Small Claims, Appeals, Mental Health, Juvenile Clerk's Offices and Records & Exhibits Departments** will be changing on **Thursdays and Fridays, only. (Criminal/Traffic and Collections hours remain unchanged.)**

Monday through Wednesday, appointments will continue to be available from 8:30 a.m.– 12:00 p.m. and 1:30 p.m. – 3:00 p.m. (last appointments at 2:30 p.m.). Clerks will continue to be available by telephone between the hours of 8:00 a.m.– 11:30 a.m. and 1:30 p.m.- 4:00 p.m.

Thursdays and Fridays, the in-person appointment hours will be changed to 8:30 a.m.– 12:00 p.m. (last appointments at 11:30 a.m.). Clerks will be available by telephone between the hours of 8:00 a.m.– 12:00 p.m.

Effective **October 3, 2022 – December 31, 2022:**

Monday through Friday, the in-person appointment and telephone hours for the **Family Law, Probate, Civil, Small Claims, Appeals, Mental Health, Juvenile Clerk's Offices and Records & Exhibits Department**, will be changed to 8:00 a.m. – 12:00 p.m. (last appointments at 11:30 a.m.).

Drop boxes will continue to be provided outside of the main Ventura Courthouse (Hall of Justice) and the Juvenile Justice Center for filing papers or submitting payments.

Documents placed in the boxes by 4:00 p.m. are deemed deposited for filing that same business day.

EDelivery for submitting and filing papers will continue to be available until 4:00 p.m. Please see the website at <http://www.ventura.courts.ca.gov/eDelivery.html> for instructions and limitations. Family Law and Restraining Order *ex parte* papers only, may also be submitted through the email proxies listed on the court website at:

http://www.ventura.courts.ca.gov/covid19/2022_0103-FamilyLawExparteProcedure.pdf

The above actions are required to address significant and unprecedented staffing shortages caused by resignations, retirements, and reassignment of employees to develop and implement a new electronic case management system for Civil, Probate, Mental Health and Appeals. Scheduled to be deployed by the end of 2022, the new system will allow for efilings and electronic document management.

Due to the COVID-19 pandemic, the court in Fiscal Year 2020-21 was subject to the largest budget cuts in history, which resulted in the elimination of positions, lay-offs and employee furloughs of 18-24 days. The budget has improved but the court, like the private sector, has had difficulty filling multiple vacancies, despite persistent recruitment efforts. With a current 20% reduction in its workforce due to vacancies and leaves of absences, the court has been unable to hire and train enough new employees to maintain regular public hours in all departments.

A reduction in the Clerk's Office hours will help court staff timely process cases, prepare court calendars and gain significant efficiencies by deploying a new electronic case management system.

If the court is able to hire and train a sufficient number of employees during the above-mentioned time periods, the court will expand office hours.

The public is invited to comment on this proposal by July 5, 2022, either by mail or email. Please direct your response to:

Brenda L. McCormick, Court Executive Officer

P.O. Box 6489

Ventura, CA 93006-6489

or

reducedclerkhoursresponse@ventura.courts.ca.gov