



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-014

For business meeting on: January 22, 2021

Title

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

Agenda Item Type

Information Only

Submitted by

Judicial Council staff
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Leadership Support Services

Date of Report

November 16, 2020

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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 is the 51st report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, four superior courts—the Superior Courts of Calaveras, Glenn, Merced, and Santa Clara Counties—have issued new notices.

Relevant Previous Council Action

In 2010, the Legislature enacted a judiciary budget trailer bill with fee increases and fund transfers for the courts; it 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 it requires the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, 51 notices have been 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.

by courts under its requirements.² The Judicial Council has received 50 prior informational reports and has listed 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, 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 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,³ 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.”⁴
- 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.”⁵
- 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.⁶ Courts are, expressly, *not* obligated to respond to comments received.⁷
- 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.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 the Senate and Assembly Committees on the Judiciary, the chair of

² All courts’ notices are listed and posted at www.courts.ca.gov/12973.htm.

³ Gov. Code, § 68106(b)(1).

⁴ *Id.*, § 68106(c).

⁵ *Id.*, § 68106(b)(1).

⁶ *Id.*, § 68106(b)(1)–(2)(A).

⁷ *Id.*, § 68106(b)(2)(B).

⁸ *Id.*, § 68106(b)(2)(A).

the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁹

Notices received from courts since last report

The Judicial Council has received four new notices from courts (see Attachments B–E):

1. ***Superior Court of Calaveras County.*** The court provided notice that, because of significant reductions to the state judicial branch budget, the hours for the clerk’s operations and self-help legal center will be reduced, effective Monday, January 4, 2021, until further notice. Alternatives to in-person visits are as follows:

- E-filing available by clicking on the eFile CA New Information link on the court’s webpage.
- A drop-box available in the lobby at the entrance to the courthouse for use between 8:15 a.m. and 4:00 p.m. each court day. (Any document deposited in the drop-box up to 4:00 p.m. on a court day is deemed to have been deposited for filing that day. No cash payments are accepted via drop-box.)

2. ***Superior Court of Glenn County.*** The court provided notice that, effective December 19, 2020, the courthouse in Willows will be closed until further notice because of construction resulting from a planned renovation and expansion project. Beginning December 21, 2020, Willows courthouse operations will transfer to other facilities as follows:

- Administration will transfer to 119 North Butte Street in Willows.
- Clerk’s office and select courtroom operations will transfer to 123 South Murdock Street in Willows.
- Select courtroom operations will transfer to 821 East South Street in Orland.

Specific hearing location and time information will be provided in notices mailed by the court, and any questions may be answered by phone. Public access hours will not change and are posted on the court’s website.

3. ***Superior Court of Merced County.*** The court provided notice that, because of significant reductions to the state judicial branch budget, all clerk’s office public filing windows and telephones will close every Friday from noon to 3:00 p.m., beginning January 4, 2021, through July 2, 2021. The current hours of 8:00 a.m. to 3:00 p.m. will remain the same for Mondays through Thursdays, but will be reduced as indicated on Fridays, and a drop-box is available at each court location to receive documents and payments after 3:00 p.m.

⁹ *Id.*, § 68106(b)(3).

4. *Superior Court of Santa Clara County*. The court provided notice that, because of significant reductions to the state judicial branch budget, most of their courtrooms, calendars, and clerks' offices will be closed on December 21, 22, 23, 24, 28, 29, 31, and 31, 2020, and will reopen on January 4, 2021. To address the significant budget deficit, the court has been forced to implement layoffs and offer voluntary separation incentives to employees, resulting in significantly reduced staffing. Most remaining staff have agreed to take 26 to 32 furlough days that will result in over \$1 million in savings, and these December closures will permit many employees to take eight furlough days. Attachment E includes a courtroom holiday furlough schedule that captures the closures.

Fiscal Impact and Policy Implications

To fulfill the Judicial Council's obligations under section 68106, Judicial Council staff have placed on the homepage 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 section 68106 and all notices received from trial courts about closures of courtrooms or clerks' offices, or reductions in clerks' office hours. Since the previous report to the council, the notices from the courts detailed above have been added to the webpage. Judicial Council staff have also forwarded the notices from these courts to the designated legislative leaders.

Attachments and Links

1. Attachment A: Gov. Code, § 68106
2. Attachment B: Notice from the Superior Court of Calaveras County, Nov. 3, 2020
3. Attachment C: Notice from the Superior Court of Glenn County, Oct. 16, 2020
4. Attachment D: Notice from the Superior Court of Merced County, Nov. 4, 2020
5. Attachment E: Notice from the Superior Court of Santa Clara County, Oct. 19, 2020, and an attached courtroom holiday furlough schedule

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 Calaveras

400 Government Center Drive
San Andreas, CA 95249
(209) 754-9800 Voice (209) 754-6296 Fax
www.calaveras.courts.ca.gov

Timothy S. Healy
Presiding Judge

David M. Sanders
Asst. Presiding Judge

Karen Camper
Court Executive Officer

Traci L. Witry
Commissioner

PUBLIC NOTICE

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 68106 AND
THE CALIFORNIA RULES OF COURT, RULE 10.620

FOR IMMEDIATE RELEASE

NOVEMBER 3, 2020

NOTICE OF REDUCTION OF CLERK'S OFFICE AND SELF-HELP LEGAL CENTER HOURS

Pursuant to the above-referenced Government Code Section and California Rule of Court, the Calaveras Superior Court is providing a sixty (60) day notice in the required form and to the required entities that it plans to reduce the hours of the Clerk's operations and Self-Help Legal Center located at 400 Government Center Drive in San Andreas.

Effective Monday, January 4, 2021, the regular hours for the Clerk's office will be Monday through Friday from 8:15 a.m. to 3:00 p.m. The regular hours for the Self-Help Legal Center will be 8:15 a.m. to 12:15 p.m. and 1:00 p.m. to 3:00 p.m. and continuing until further notice.

As alternatives to in person visits, e-filing is also available and can be accessed at www.calaveras.courts.ca.gov by clicking on the eFile CA – New Information link. Also, pursuant to California Rule of Court 2.210, a drop box will be available in the lobby at the entrance to the courthouse for use between 8:15 a.m. and 4:00 p.m. each court day. Any document deposited in a drop box up to 4:00 p.m. on a court day is deemed to have been deposited for filing that day. No cash payments are accepted via drop box.

The Court finds this action is necessary due to significant cuts to the State Judicial Branch Budget which is affecting the budgets of the individual superior courts this fiscal year. This significant reduction in funding does not make it fiscally feasible to keep the same business hours.



Superior Court of California County of Calaveras

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Commissioner

We apologize for the inconvenience these reduced operating hours may cause. If you would like to submit comments about the proposed reductions, please send them to Karen Camper, Court Executive Officer, 400 Government Center Drive, San Andreas CA 95249 by January 1, 2021. Comments may also be submitted to: public@calaveras.courts.ca.gov

This notice has been posted on the court's website (www.calaveras.courts.ca.gov) and distributed pursuant to Rule 10.620 of the California Rules of Court.



Superior Court of California, County of Glenn

Public Notice

Changes to Facility Access

October 16, 2020

Pursuant to Government Code § 68106 and California Rules of Court, rule 10.620, the Superior Court of California, County of Glenn, is providing over 60 days' notice of changes to facility access.

Effective December 19, 2020, the Willows Courthouse located at located at 526 West Sycamore Street, Willows, CA 95988 will be closed until further notice for construction due to a planned renovation and expansion project. More information on that project can be viewed here: <https://www.courts.ca.gov/facilities-glenn.htm>.

Beginning December 21, 2020, Willows Courthouse operations will transfer to other facilities until further notice. Administration will transfer to 119 North Butte Street, Willows, CA 95988. Clerk's office and select courtroom operations will transfer to 123 South Murdock Street, Willows, 95988. Select courtroom operations will transfer to the court's facility in Orland located at 821 East South Street, Orland, CA 95963. Specific hearing location and time information will be provided in notices mailed by the court, and any questions may be answered by phone at (530) 934-6446. Public access hours are not changing and can be viewed here: <http://www.glenncourt.ca.gov/general-info/hours.shtml>.

Public comment on these changes to facility access may be addressed to the Court Executive Officer and submitted by email to kdura@glenncourt.ca.gov or by mail to 526 West Sycamore Street, Willows, CA 95988.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

www.mercedcourt.org

AMANDA TOSTE
INTERIM COURT EXECUTIVE
OFFICER

IMPORTANT PUBLIC NOTICE

Government Code Section 68106(b)(1)

The Superior Court of California, County of Merced is providing 60 days' notice of a reduction in operating hours for the public filing windows and telephones in the Clerk's Offices pursuant to Government Code Section 68106. All Clerk's Offices will close every Friday from 12:00 p.m. to 3:00 p.m. commencing January 4, 2021 through July 2, 2021.

Currently the operating hours for the Merced Superior Court Clerk's Office filing windows and telephones are Monday – Friday from 8:00 a.m. to 3:00 p.m., excluding holidays.

Effective Monday, January 4, 2021, the operating hours for the Clerk's Office filing windows and telephones will be Monday – Thursday from 8:00 a.m. to 3:00 p.m., excluding holidays. A drop box is available at each court location to receive documents and payments after 3:00 p.m.

The Court finds this action is necessary due to the significant cuts to the State Judicial Branch Budget which is affecting the budgets of the individual superior courts this fiscal year. The reduction in the Clerk's Office hours on Fridays from 12:00 p.m. to 3:00 p.m. will provide time for court staff to process cases timely.

We apologize for the inconvenience the reduced hours may cause. If you would like to submit comments about the proposed reduction in hours, please send them to Court Administration, Attention Amanda Toste, 627 W. 21st Street, Merced, CA 95340 by December 18, 2020.

For more information, please see the Superior Court's website at www.mercedcourt.org.

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Superior Court of California County of Santa Clara

191 North First Street
San José, California 95113
(408) 882-2700

REBECCA J. FLEMING
Chief Executive Officer



IMPORTANT PUBLIC NOTICE **Government Code Section 68106(b)(1)**

The Superior Court of California, County of Santa Clara is providing 60 days' notice of closure of most courtrooms and calendars (except for those described in the attached schedule) and clerk's offices (as identified in the attached schedule) on December 21, 22, 23, 24, 28, 29, 30 and 31, 2020. December 25, 2020 and January 1, 2021 are Court holidays. These courtrooms, calendars and clerk's offices will reopen on Monday, January 4, 2021.

The Court finds this action is necessary due to the significant cuts to the State Judicial Branch Budget which is affecting the budgets of the individual superior courts this fiscal year. To address the significant budget deficit, the Court has been forced to implement layoffs and offer voluntary separation incentives to employees, which has resulted in significantly reduced staffing; over 110 out of approximately 600 employees have left the Court since July 2020. Of the remaining staff still employed, most employees have agreed to take 26-32 furlough days which will result in over a million dollars in savings. The courtroom, calendar and clerk's offices closures in December will permit many employees to take 8 furlough days.

We apologize for the inconvenience these closures may cause. If you would like to submit comments about the proposed closures, please send them to Rebecca J. Fleming, Court Executive Officer, 191 N. First Street, San Jose, CA 95113 by Tuesday, December 15, 2020.

For more information, please see the Superior Court's website at www.scscourt.org.

**Courtroom Schedule
Holiday Furlough**

Location	Dec 21	Dec 22	Dec 23	Dec 24
HOJ	D24 all day – MTC/Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr	D24 PM only – I/C Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr	D24 PM only – I/C Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr	D24 PM only – I/C Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr
FJCC	D68 AM only –detentions	D68 AM only –detentions D72 all day – guardianship/emerg. hearings	D68 AM only –detentions D72 all day – DV calendars	D68 AM only –detentions
Juvenile Justice	D81 AM only - detentions	D81 AM only - detentions	D81 AM only - detentions	D81 AM only - detentions
DTS		D4 AM only – Civil Harassment D13 PM only – Conservatorship	D4 AM only - UD D5 all day – LPS	
Location	Dec 28	Dec 29	Dec 30	Dec 31
HOJ	D24 all day – MTC/Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr	D24 PM only – I/C Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr	D24 PM only – I/C Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr	D24 PM only – I/C Arr D43 all day – I/C & O/C Arr D41 all day – TNW Prelims D42 PM only – I/C Arr
FJCC	D68 AM only –detentions	D68 AM only –detentions	D68 AM only –detentions D72 all day – DV calendars	D68 AM only –detentions
Juvenile Justice	D81 AM only - detentions	D81 AM only - detentions	D81 AM only - detentions	D81 AM only - detentions
DTS	D5 PM only – LPS	D4 AM only – Civil Harassment	D4 AM only – UD D5 all day – LPS	D5 AM only – LPS Consent

Abbreviation Legend

Arr	Arrestment
DV	Domestic Violence
I/C	In-custody
LPS	Lanterman-Petris-Short Mental Health Conservatorships
MTC	Master Trial Calendar
O/C	Out of custody
TNW Prelims	Time Not Waived Preliminary Examinations
UD	Unlawful Detainer

Clerk's Office Functions Holiday Furlough

Civil/Probate/Small Claims	Juvenile JD & JV	Family	Criminal/Traffic
Clerk's Offices closed to the public	Clerk's office closed to the public	Clerk's office closed to the public	Clerk's offices closed to the public
Filings for civil case types (Probate, Civil, Small Claims etc.) will be accepted through the Drop Box and e-filing but will not be processed until clerk's office reopens for business <u>except as necessary for matters that will be heard the weeks of December 21, December 28, January 4 and January 11</u>	Filings will be accepted through the Drop Box and e-filing but will not be processed until clerk's office reopens for business, <u>except for petitions requiring detention hearings</u>	Filings for family cases will be accepted through the Drop Box and e-filing but will not be processed until clerk's office reopens for business, <u>except for pleadings requesting temporary emergency orders (FL 305) involving custody and visitation or child safety issues</u> The Self-Help Restraining Order Help Center will be open from 8:30 am-1:30 pm each day <u>for all violence prevention, emergency custody and visitation and emergency guardianships</u>	Filings for criminal and traffic cases will be accepted through the Drop Box and e-filing but will not be processed until clerk's office reopens for business, <u>except for criminal complaints requiring an in-custody arraignment with statutory requirements</u>
Calendar preparation and minute order updates only	Calendar preparation and minute order updates only	Calendar preparation and minute order updates only	Calendar preparation and minute order updates only
Public telephone lines and emails will be closed/unattended	Public telephone lines and emails will be closed/unattended	Public telephone lines and emails will be closed/unattended	Public telephone lines and emails will be closed/unattended