



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-182

For business meeting on November 17, 2023

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

October 23, 2023

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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, one superior court—the Superior Court of Tuolumne County—has issued a new notice.

Relevant Previous Council Action

Since the enactment of section 68106, 62 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 clerks’ 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):

Superior Court of Tuolumne County. The court provided notice that, beginning October 2, 2023, they are temporarily reducing their clerk hours by one hour a day (from their normal hours

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).

of 8 a.m. to 3 p.m. to reduced hours of 8 a.m. to 2 p.m.) due to limited staff resources. They anticipate the early closure will be temporary, initially for a period of three months.

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 Tuolumne County, August 1, 2023
2. Link A: Gov. Code, § 68106,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=68106



Superior Court of California County of Tuolumne

To: The Tuolumne County Bar Association; Justice Partners
From: Hector Gonzalez, CEO
Re: Official Public Notice of Temporary Reduction of Clerk Counter Hours
Date: August 1, 2023

FAX (209) 533-6616

Civil Calendar
(209) 533-5555
FAX (209) 533-6616

Financial Services
(209) 533-6928
FAX (209) 533-5618

Human Resources
(209) 533-6914
FAX (209) 533-6607

Juvenile
(209) 533-6975
FAX (209) 533-6573

Mediation
(209) 533-6565
FAX (209) 533-6623

Self-Help Center,
Law Library &
ADA Services
(209) 533-6565
FAX (209) 533-6623

Dept. 3 & 4
60 N. Washington St.
Sonora, CA 95370

Criminal
(209) 533-5563
FAX (209) 533-5581

Criminal Calendar
(209) 533-5563
FAX (209) 533-5581

Jury Services
(209) 533-5679
FAX (209) 533-5581

Traffic
(209) 533-5671
FAX (209) 533-5581

The Tuolumne County Superior Court (Court) on a temporary basis will be closing its clerks counter an hour earlier than our current counter hours. Over the last six months the Court has experienced an extraordinary turnover of clerks, nearly one-third of our clerks are new to the job. The large number of new clerks has significantly increased training workload and prompted delays in processing legal documents. Court staff have tried to alleviate the delays in legal processing by working weekends. Despite the best efforts of Court staff, the important work of training new clerks and processing legal documents continue to be delayed.

The Court believes that reducing clerks' counter hours by one hour a day will help provide additional time for training and processing legal documents. Our current clerk counter hours are 8:00 AM to 3:00 PM. The temporary reduced clerk counter hours will be 8:00 AM to 2:00 PM. Government Code Section 68106 (2) requires Superior Courts to give the public notice of the reduction of hours of the clerks' offices at least 60 days before the reduction occurs. This notice serves as the public notice required by Government Code Section 68106 (2) and the reduction of hours will start October 2, 2023. It is the intention of the Court that the reduction of hours will be temporary, initially for a period of three months.

Comments or concerns regarding the reduction of clerks' counter hours can be emailed on or before September 25, 2023, to me at publiccomment@tuolumne.courts.ca.gov or mailed to Hector Gonzalez, CEO, 12855 Justice Center Dr., Sonora, CA, 95370. If mailed, comments and concerns must be received on or before September 25, 2023, to be considered before the reduction of hours on October 2, 2023.