Judicial Council *of* California

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

REPORT TO THE JUDICIAL COUNCIL

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For business meeting on September 19, 2023

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

Submitted by
Judicial Council staff
Michelle Brooke, Supervising Analyst
Leadership Support Services

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Contact
Michelle Brooke, 916-643-8015
Michelle.Brooke@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 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 Fresno County—has issued a new notice.

Relevant Previous Council Action

Since the enactment of section 68106, 61 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):

1. ***Superior Court of Fresno County.*** The court provided notice that, due to a diminished caseload during the holidays and to consolidate cases, they are temporarily closing their "M" Street and B. F. Sisk Courthouse locations on the following dates only: November 20–22 and December 26–29, 2023. All essential hearings will be heard only in the main courthouse and

[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).

juvenile justice courthouse on these dates. These changes are a result of the court's strategic planning for operational efficiency during this time of year and will allow the court to better utilize staff resources.

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 Fresno County, June 13, 2023
2. Link A: Gov. Code, § 68106, *https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=68106*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO

NOTICE OF LIMITED COURT CLOSURES

November 20, 21, and 22, 2023; December 26, 27, 28, and 29, 2023

Due to a diminished caseload during the holidays, and following the required public comment procedures for 60 days*, the Fresno Superior Court hereby announces that it will temporarily consolidate cases. All essential hearings to be heard only in the Main Courthouse and the Juvenile Justice Courthouse, on the following dates only: November 20, 21, and 22, 2023; and December 26, 27, 28, and 29, 2023. Courthouse status will be as follows:

- **Main Courthouse, 1100 Van Ness Ave. (Criminal and Dependency) — OPEN**
- **Juvenile Justice Courthouse, 3333 E. American Ave. (Juvenile) — OPEN**
- **Jail Annex Departments 95 & 96, 1265 "M" St. (Criminal) — CLOSED**
- **Archives Department, 1963 "E" St. — CLOSED**
- **B.F. Sisk Courthouse, 1130 "O" St. (Civil/Family/Probate/Self-Help Center) — CLOSED**
- **"M" Street Courthouse, 2317 Tuolumne St. (Traffic) — CLOSED**

All Clerk's Offices will be closed, with the exception of the following:

- **Main Courthouse, 1100 Van Ness Ave. — OPEN**
  (Criminal, 4th floor, Rm. 401 & Dependency, 2nd floor, Rm. 200)
- **Juvenile Justice Courthouse, 3333 E. American Ave. (Juvenile) — OPEN**

Court filings must be submitted via e-filing or drop box for the following case types below. Drop boxes will be located as follows:

- **TRAFFIC: Main Courthouse, 1100 Van Ness Ave., Main Entrance**
- **CIVIL/FAMILY/PROBATE: B. F. Sisk Courthouse, 1130 "O" St., Main Entrance**

Services from the Self-Help Center and Archives Department will be unavailable.

These changes are a result of the Court's strategic planning for operational efficiency during this time of year. The temporary relocation of departments from the "M" Street and B.F. Sisk Courthouses to the Main Courthouse and the Juvenile Justice Courthouse on these dates will provide the Court with the opportunity to better utilize staff resources.

*Pursuant to Government Code section 68106, this proposal is published for public comment with a deadline of August 14, 2023 (60 days from notice).
After that date, the comments will be reviewed and modifications will be made to the proposal, if necessary.