



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

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### Title

Government Code Section 68106: Public  
Notice by Courts of Closures or Reduced  
Clerks' Office Hours (Gov. Code, § 68106—  
Rep. No. 46)

### Agenda Item Type

Information Only

### Date of Report

August 15, 2018

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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 46th report to date listing 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

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.<sup>1</sup> Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and 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, a total of 49 courts have

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<sup>1</sup> 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.

issued notice under its requirements.<sup>2</sup> The Judicial Council has received 45 prior informational reports listing 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 recent 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 closing or reducing the hours of clerks' offices, 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."<sup>3</sup> 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 . . . ."<sup>4</sup> 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.<sup>5</sup> Courts expressly are *not* obligated to respond to comments received.<sup>6</sup> 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.<sup>7</sup> The change in plan does not require notification, however, beyond the original 60-day period.<sup>8</sup>
- 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 houses' Committees on the Judiciary, the chair of the

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<sup>2</sup> All courts' notices are listed and posted at [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Some courts have given more than one notice.

<sup>3</sup> Gov. Code, § 68106(c).

<sup>4</sup> *Id.*, § 68106(b)(1).

<sup>5</sup> *Id.*, § 68106(b)(1), (2)(A).

<sup>6</sup> *Id.*, § 68106(b)(2)(B).

<sup>7</sup> *Id.*, § 68106(b)(3).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.<sup>9</sup>

### **Notice received from one court since last report**

This is the 46th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received one new notice from one trial court.

The **Superior Court of Fresno County** provided notice that, on the following dates only, December 24, 26, 27, 28, and 31, 2018, the court will temporarily consolidate cases and all essential hearings to be heard only in the Main Courthouse and the Juvenile Justice Courthouse. In addition, clerks' offices will be consolidated into the Main Courthouse and the Juvenile Justice Courthouse. Courthouse status will be as follows:

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|--|--------|
| • Main Courthouse, 1100 Van Ness Avenue (Criminal)                     | OPEN   |
| • B. F. Sisk Courthouse, 1130 O Street (Civil/Family/Self-Help Center) | CLOSED |
| • M Street Courthouse, 2317 Tuolumne Street (Traffic)                  | CLOSED |
| • Juvenile Justice Courthouse, 3333 East American Avenue (Juvenile)    | OPEN   |
| • Archives Department, 1963 E Street                                   | CLOSED |
| • Jail Annex Departments 95 & 96, 1265 M Street (Criminal)             | CLOSED |

For clerk's office services on the above dates, the Superior Court of Fresno County will have at least one window open at the Main Courthouse for each of the following departments: Traffic, Civil/Small Claims, Probate, Family Law/Family Support, and Criminal. The clerk's office at the Juvenile Justice Courthouse will remain open for juvenile-related matters (both delinquency and dependency). The clerk's office hours on these dates will remain 8 a.m. to 4 p.m. Each case-specific window will be open and available to perform all normal clerk's office duties. Services from the Self-Help Center and Archives Department will not be available (see Attachment B).

### **Fiscal Impact and Policy Implications**

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services staff provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Charles Perkins, Legal Services Supervising Attorney, who has provided legal review of the courts' notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council's obligations under section 68106, Judicial Council staff has placed on the homepage of the California Courts website a prominent link to the "Reduced Court Services" page ([www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm)), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks'

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<sup>9</sup> *Id.*, § 68106(b)(3).

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 has also forwarded the notices from these courts to the designated legislative leaders.

### **Attachments and Links**

1. Attachment A: Government Code section 68106
2. Attachment B: Notice from the Superior Court of Fresno County, June 11, 2018
3. Link A: Gov. Code, § 68106,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=68106](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=68106)

**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 FRESNO**



# **NOTICE OF LIMITED COURT CLOSURES**

## **December 24, 26, 27, 28 and 31, 2018**

Due to a diminished caseload during the holidays, and following the required public comment procedures for 60 days,<sup>\*</sup> the Fresno Superior Court hereby announces that, on the following dates only, December 24, 26, 27, 28 and 31, 2018, it will temporarily consolidate cases and all essential hearings to be heard only in the Main Courthouse and the Juvenile Justice Courthouse. In addition, Clerks' Offices will be consolidated into the Main Courthouse and the Juvenile Justice Courthouse. We look forward to collaborating with our Justice Partners to determine at a later date which courtrooms will be utilized during the consolidation. Courthouse status will be as follows:

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

For Clerk's Office services on the above dates, the Fresno Superior Court will have at least one window open at the Main Courthouse for each of the following departments: Traffic, Civil/Small Claims, Probate, Family Law/Family Support, and Criminal. The Clerk's Office at the Juvenile Justice Courthouse will remain open for juvenile-related matters (both delinquency and dependency). The Clerk's Office hours on these dates will remain 8:00 a.m. to 4:00 p.m. Each case-specific window will be open and available to perform all normal Clerk's Office duties. Services from the Self-Help Center and Archives Department will not be available.

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.

<sup>\*</sup>Pursuant to Government Code Section 68106, this proposal is published for public comment with a deadline of August 8, 2018. After that date, the comments will be reviewed and modifications will be made to the proposal, if necessary.