



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 24–25, 2020

Title

Trial Courts: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106—Rep. No. 49)

Agenda Item Type

Information Only

Date of Report

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Executive Summary

Government Code section 68106 (1) directs trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) directs the council to post all such notices on its website and relay them to the Legislature. This is the 49th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, five superior courts—the Superior Courts of Ventura, Riverside, Santa Clara, Orange, and Fresno 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 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, 49 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 48 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."³
- 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."⁴
- 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.⁵ Courts expressly are *not* obligated to respond to comments received.⁶
- 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.⁷ 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 houses' Committees on the Judiciary, the chair of the

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

³ Gov. Code, § 68106(c).

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

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 five new notices from courts:

1. ***Superior Court of Ventura County.*** The court provided notice that the majority of the courtrooms and all of the clerk's offices will be closed to mitigate the impact of employee furlough days on court operations on the following days:
 - September 30, 2020,
 - October 21, 2020,
 - November 18 & 25, 2020,
 - December 16, 23, 24, 30 & 31, 2020,
 - January 15, 2021,
 - February 11, 2021,
 - March 10 & 17, 2021,
 - April 21, 2021,
 - May 5 & 19, 2021
 - June 9 & 23, 2021 (See Attachment B.)
 2. ***Superior Court of Riverside County.*** The court provided notice of its intention to tentatively take one or more of the following actions. These actions are proposed to occur no sooner than October 5, 2020.
 - Close Riverside County courthouses one (1) to two (2) Fridays per month;
 - Reduce service hours to 8:30 am to 12:00 pm; and/or
 - Continue closures of the Corona, Hemet, Moreno Valley and Temecula courthouses until further notice (See Attachment C.)
- Superior Court of Santa Clara County.***
3. The court provided notice that beginning, Monday, October 19, 2020, the daily office and telephone hours at the courthouses in San Jose and Santa Clara will be 8:30a.m. – 1:30p.m.,

⁹ *Id.*, § 68106(b)(3).

Monday through Thursday and 8:30a.m. – 12:00p.m. on Friday, including the Restraining Order Help Center at the Family Justice Center Courthouse in San Jose. The Self-Help Center will continue to be available for remote assistance (telephone, email and LiveChat) on Mondays, Tuesdays and Thursdays, but hours will be 8:30 a.m. – 1:30 p.m. In addition, the business offices at the courthouses in Palo Alto and Morgan Hill will be closed until further notice. Business previously conducted in Palo Alto and Morgan Hill will be conducted in San Jose at the Hall of Justice located at 190 W. Hedding Street, San Jose 95110. (See Attachment D.)

4. ***Superior Court of Orange County.*** The court provided notice that effective Friday, October 30, 2020, and excluding judicial holidays, the regular Friday hours for the Clerk’s Offices in the Superior Court of California, County of Orange, will be from 8:00 a.m. to 12:00 p.m. Commencing October 30, 2020, the Clerk’s Offices at every branch of the Superior Court of California, County of Orange, shall be closed after 12:00 p.m. on Fridays for the transaction of Court business. Court hours will remain unchanged for all other Court services. (See Attachment E)
5. ***Superior Court of Fresno County.*** The court provided notice that it intends to close the “M” Street and B.F. Sisk Courthouses temporarily and consolidate the Clerk’s Offices into the Main and Juvenile Justice Courthouses on the following dates:
 - November 23, 24, and 25, 2020
 - December 24, 28, 29, 30 and 31, 2020
 - April 1 and 2, 2020

This temporary closure will also include the Self-Help Center and Archives Department.(See Attachment F)

Fiscal Impact and Policy Implications

Trial courts have been requested to e-mail such notices to Charles Perkins, Supervising Attorney, Legal Services, 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), 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 has 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 Ventura County, July 30, 2020
3. Attachment C: Notice from the Superior Court of Riverside County, August 7, 2020
4. Attachment D: Notice from the Superior Court of Santa Clara County, August 17, 2020
5. Attachment D: Notice from the Superior Court of Orange County, August 25, 2020
6. Attachment D: Notice from the Superior Court of Fresno County, September 9, 2020

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.



PUBLIC NOTICE

(Government Code §68106)

Superior Court of California, County of Ventura

Court Closures

**September 30, 2020, October 21, 2020,
November 18 & 25, 2020, December 16, 23, 24, 30 & 31, 2020,
January 15, 2021, February 11, 2021,
March 10 & 17, 2021, April 21, 2021,
May 5 & 19, 2021 and June 9 & 23, 2021**

Pursuant to *Government Code* §68106, the Superior Court of California, County of Ventura, is providing sixty (60) days notice of limited operation days.

The majority of the courtrooms and all of the clerk's offices will be closed to mitigate the impact of employee furlough days on court operations on the following days:

September 30, 2020,
October 21, 2020,
November 18 & 25, 2020,
December 16, 23, 24, 30 & 31, 2020,
January 15, 2021,
February 11, 2021,
March 10 & 17, 2021,
April 21, 2021,
May 5 & 19, 2021
June 9 & 23, 2021

These days are not court holidays, so statutory deadlines will not be extended. Documents may be submitted through the United States mail or drop boxes located at the entrance to the Hall of Justice and Juvenile courthouses. In civil, family, probate, appeals and/or small claims, documents may also be submitted by eDelivery. The clerk's offices will be closed to in-person services. Documents received by 4 p.m. and accepted for filing, will be filed that same business day. Documents received after 4 p.m. will be processed and filed the following business day. Documents placed in the drop boxes by 4:00 p.m. are deemed deposited for filing that same business day. An exterior walk-up window on the north side of the Hall of Justice at the Government Center near parking lots A, B and C will be open from 7:00 a.m. to 4:30 p.m. and the East County Courthouse walk-up window will be open from 8:00 a.m. to 4:30 p.m. for handling criminal/traffic and collections payments only.

Most cases already calendared for hearing will be rescheduled and the affected parties notified by the court. Limited courtrooms will be open to hear urgent criminal, juvenile, unlawful detainer, and temporary restraining order issues.

While the court regrets having to take the above actions, it is required to address the reduction in funding to the California court system caused by the COVID-19 pandemic. For the 2020-2021 fiscal year, the Governor and Legislature have approved a reduction of \$200 million, in budget cuts to the judicial branch. For fiscal year 2020-2021, the Ventura Superior Court budget has a structural deficit of \$5.7 million.

The court has instituted various cost saving measures, including furloughs, eliminating or freezing vacant positions, reengineering court processes for efficiencies and reducing expenditures of services and supplies. Limited court closures are needed to manage the large number of furlough days. The above dates were selected to minimize the impact on the public and court staff by spreading out the dates through the fiscal year and court business is generally slower in the middle of the business week and around holidays.

Anyone wishing to comment on this proposed plan may do so, by either regular mail or e-mail, by September 28, 2020. Please direct your response to:

Michael D. Planet, Court Executive Officer

P.O. Box 6489

Ventura, CA 93006-6489

or

closuresresponse@ventura.courts.ca.gov



PUBLIC NOTICE

REQUEST FOR PUBLIC COMMENT

ACTION TO CLOSE MULTIPLE RIVERSIDE COUNTY COURTHOUSES AND/OR REDUCE SERVICES

Due to the State of California's \$54 billion deficit as a result of the COVID-19 pandemic, the Riverside Superior Court will experience a revenue shortfall in Fiscal Year 2020/2021 of \$12 million. The Court has taken actions to reduce this deficit by closing some courthouses, freezing vacant staff positions, reducing operating costs, and implementing some furloughs. These actions alone will not be enough to cover the anticipated shortfall.

Pursuant to Government Code § 68106(b)(1), the Superior Court of California, County of Riverside provides this 60-day notice of its intention to tentatively take one or more of the following actions. These actions are proposed to occur no sooner than October 5, 2020.

- Close Riverside County courthouses one (1) to two (2) Fridays per month;
- Reduce service hours to 8:30 am to 12:00 pm; and/or
- Continue closures of the Corona, Hemet, Moreno Valley and Temecula courthouses until further notice.

Any interested person or entity wishing to comment on these actions must send their comment in writing or electronically no later than **5:00 PM on Monday, October 5, 2020**. Comments may be submitted to the following:

Superior Court of California, County of Riverside
Executive Office
4050 Main Street, Riverside, CA 92501
Email: CourtExecutiveOffice@Riverside.Courts.Ca.Gov

This Notice is available for public viewing at all court locations and on the Court's website at: www.riverside.courts.ca.gov.

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 of Santa Clara operates courthouses in Palo Alto, Santa Clara, San Jose and Morgan Hill. The Superior Court issued an order effective August 17, 2020, to reduce the business office and telephone hours of all courthouses. This notice is to inform the public of the Superior Court's decision to implement an on-going reduction in business office and telephone hours by ninety minutes Mondays through Thursdays and three hours on Fridays.

Beginning, Monday, October 19, 2020, the daily office and telephone hours at the courthouses in San Jose and Santa Clara will be 8:30a.m. – 1:30p.m., Monday through Thursday and 8:30a.m. – 12:00p.m. on Friday, including the Restraining Order Help Center at the Family Justice Center Courthouse in San Jose. The Self-Help Center will continue to be available for remote assistance (telephone, email and LiveChat) on Mondays, Tuesdays and Thursdays, but hours will be 8:30 a.m. – 1:30 p.m. In addition, the business offices at the courthouses in Palo Alto and Morgan Hill will be closed until further notice. Business previously conducted in Palo Alto and Morgan Hill will be conducted in San Jose at the Hall of Justice located at 190 W. Hedding Street, San Jose 95110.

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. This significant reduction in funding does not make it fiscally feasible to keep the same business hours.

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 Rebecca J. Fleming, Court Executive Officer, 191 N. First Street, San Jose, CA 95113 by Friday, October 16, 2020.

For more information, please check the Superior Court website at www.scscourt.org.



Superior Court of California County of Orange

PUBLIC NOTICE OF REDUCED COURT CLERK'S OFFICE HOURS PURSUANT TO GOVERNMENT CODE SECTION 68106 AND CALIFORNIA RULE OF COURT, RULE 10.620

FOR IMMEDIATE RELEASE

DATE: AUGUST 25, 2020

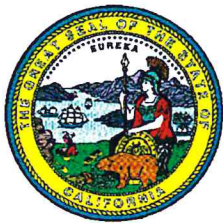
Pursuant to Government Code section 68106, the Superior Court of California, County of Orange, is providing 60 days' notice of the reduction of hours of operation for the Clerk's Offices located at each of the branches of the Court.

Effective Friday, October 30, 2020, and excluding judicial holidays, the regular Friday hours for the Clerk's Offices in the Superior Court of California, County of Orange, will be from 8:00 a.m. to 12:00 p.m. Commencing October 30, 2020, the Clerk's Offices at every branch of the Superior Court of California, County of Orange, shall be closed after 12:00 p.m. on Fridays for the transaction of Court business. Court hours will remain unchanged for all other Court services.

The financial constraints imposed by the California state fiscal crisis and the decrease in state funding for Trial Courts by \$176.9 million for fiscal year 2020-2021 has left the Court with no alternative but to reduce the hours of the Clerk's Offices. The reduction in hours will achieve cost savings in Court personnel and other associated costs.

Although the Court has implemented a number of other cost savings alternatives, these measures will not be sufficient to mitigate the impact of the budget shortfall.

Invitation to Comment: All public comments regarding this reduction in hours can be directed to: ctfeedback@occourts.org.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO**



NOTICE OF LIMITED COURT CLOSURES

**November 23, 24, and 25, 2020;
December 24, 28, 29, 30 and 31, 2020;
and April 1 and 2, 2021**

Due to statewide budgetary constraints and 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 and all essential hearings to be heard only in the Main Courthouse and the Juvenile Justice Courthouse, on the following dates only: November 23, 24, and 25, 2020; December 24, 28, 29, 30 and 31, 2020; and April 1 and 2, 2021. 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:

• 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, as well as current statewide budgetary constraints. 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 28, 2020. After that date, the comments will be reviewed and modifications will be made to the proposal, if necessary.