



JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-209

For business meeting on November 13, 2020

Title

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

Agenda Item Type

Information Only

Date of Report

October 20, 2020

Submitted by

Judicial Council staff
Michelle Brooke, Senior Analyst
Leadership Support Services

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 is the 50th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, three superior courts—the Superior Courts of Madera, San Bernardino, and Santa Clara—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, 50 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 49 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 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

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).

and vice chairs of both houses' Committees on the Judiciary, the chair of 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 three new notices from courts (see Attachments B–D):

1. ***Superior Court of Madera County.*** The court provided notice that, to accommodate the reduction in staff hours resulting from the state's budget crisis caused by the COVID-19 pandemic, the court will be reducing the hours of the clerks' operations—specifically the offices of traffic, criminal, juvenile, and civil—to 8 a.m. to 3 p.m., excluding judicial holidays, effective Wednesday, November 25, 2020, until further notice. Other offices will provide services as follows:
 - Drop boxes for traffic, criminal, juvenile, and civil filings will be available for use between 3 and 4 p.m. each court day. Any document deposited in a drop box by 4 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 jury office will be open to the public from 8 a.m. to 3 p.m., or as needed to accommodate jurors or juror inquiries.
 - The self-help office will remain closed for walk-in assistance; however, in-person services will be provided as ordered by the court and by appointment.
 - The family court services' reception desk will be open to the public from 8 a.m. to 3 p.m.; however, scheduled appointments and interviews may extend beyond 3 p.m.
2. ***Superior Court of San Bernardino County.*** The court provided notice that, because of the unprecedented budgetary challenges resulting from the economic downturn and uncertainty caused by the COVID-19 pandemic and the state funding challenges that followed, it will be decreasing hours of operation for clerks' offices in each of the court's locations throughout the county, to 8 a.m. to 2 p.m., effective Tuesday, December 1, 2020, and until further notice. Alternatives to in-person clerks' office visits include the following:
 - Drop boxes at each court location from 8 a.m. to 4 p.m. Any document deposited in the drop box by or at 4 p.m. on a court day is deemed to have been deposited for filing on that day. No cash payments are accepted via drop box.
 - TurboCourt service to permit court users to electronically prepare and submit documents to the court.
 - Fax filing.

⁹ *Id.*, § 68106(b)(3).

- Online options for court users to access case information and make fine or fee payments through the court’s online case search and calendar search portal and payment system.
3. ***Superior Court of Santa Clara County.*** The court provided notice that, because of significant reductions to the state judicial branch budget this fiscal year, the superior court will implement an ongoing closure of traffic court courtrooms and night or Saturday sessions for traffic and small claims courtrooms at the Santa Clara and Morgan Hill courthouses from November 23, 2020, until further notice.

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 Madera County, Sept. 23, 2020
3. Attachment C: Notice from the Superior Court of San Bernardino County, Sept. 18, 2020
4. Attachment D: Notice from the Superior Court of Santa Clara County, Sept. 21, 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.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MADERA**

COURT ADMINISTRATION

200 SOUTH G STREET
MADERA, CA 93637
(559) 416-5510

HON. DALE J. BLEA
PRESIDING JUDGE

HON. ERNEST J. LICASI
ASST PRESIDING JUDGE

ADRIENNE Y. CALIP
COURT EXECUTIVE OFFICER

AMY DOWNEY
ASST COURT EXECUTIVE OFFICER

PUBLIC NOTICE

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

FOR IMMEDIATE RELEASE

SEPTEMBER 23, 2020

NOTICE OF REDUCTION OF CLERK'S OFFICE HOURS

Pursuant to the above-referenced Government Code Section and California Rule of Court, the Madera County 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 located at 200 South G Street.

Effective Wednesday, November 25, 2020, the regular hours for the Clerk's Offices will be Monday through Friday, 8:00 a.m. to 3:00 p.m., excluding judicial holidays. Specifically, the following Offices/Divisions will be open to receive filings and respond to inquiries from 8:00 a.m. to 3:00 p.m.: Traffic, Criminal, Juvenile and Civil. These hours will remain in effect until further notice.

Pursuant to California Rule of Court 2.210, drop boxes for Traffic, Criminal, Juvenile and Civil filings will be available for use between 3:00 p.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 a drop box.

The Jury Office will be open to the public from 8:00 a.m. to 3:00 p.m., or as needed to accommodate jurors or juror inquiries.

The Self-Help Office will remain closed for walk-in assistance; however, in-person services will be provided as ordered by the court and by appointment.

The reception desk of Family Court Services will be open to the public from 8:00 a.m. to 3:00 p.m.; however, scheduled appointments and interviews may extend beyond 3:00 p.m.

This action is necessary to accommodate for the reduction in staff hours resulting from the budget crisis in the State of California caused by the COVID-19 pandemic. The Madera

County Superior Court realized a \$678k budget reduction for the 2020-21 Fiscal Year, and the action of reducing staff hours was unavoidable.

Comments must be submitted by Monday, November 23, 2020 to the following e-mail address: Public.Comment@madera.courts.ca.gov. For those who do not have access to e-mail, written comments must be received by Monday, November 23, 2020 at the address listed above for Court Administration (Attention: Adrienne Calip, CEO).

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

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SUPERIOR COURT OF
CALIFORNIA
COUNTY OF SAN BERNARDINO
247 West Third Street, 11th Floor
San Bernardino, Ca 92415-0302
www.sb-court.org

909-708-8747

Michael A. Sachs
Presiding Judge

Nancy CS Eberhardt
Court Executive Officer

PUBLIC NOTICE

Release Date: September 18, 2020

REDUCTION TO CLERK'S OFFICE HOURS IN ALL COURT LOCATIONS EFFECTIVE DECEMBER 1, 2020

SAN BERNARDINO, CA —Pursuant to California Government Code section 68106 and California Rules of Court, rule 10.620, the San Bernardino Superior Court (SBSC) will be decreasing hours of operation for clerk's offices in each of the court's locations throughout the county from 8:00 a.m. to 2:00 p.m. effective Tuesday, December 1, 2020 and continuing until further notice.

California faces unprecedented budgetary challenges resulting from the economic downturn and uncertainty caused by the Coronavirus (COVID-19) pandemic. To address a projected \$54.3 billion state budget gap and subsequent recession, Governor Gavin Newsom signed a Fiscal Year (FY) 2020-2021 state budget that included budget reductions throughout state government, including the judicial branch. As a direct result of these state funding challenges, SBSC projects a significant budget deficit that will impact how the court conducts its day-to-day business operations. Specifically, a significant reduction in staffing will delay the court's ability to provide services, and as a result, increase case processing backlogs.

As alternatives to in-person clerk's office visits, there are various remote options for conducting court business, as summarized below:

- **Drop boxes** – Are used for filing papers and are available at each court location from 8:00 a.m. to 4:00 p.m. Any document deposited in a court's drop box up to and including 4:00 p.m. on a court day is deemed to have been deposited for filing on that day. **No cash payments are accepted via drop box.**
- **TurboCourt** – This service permits court users to prepare and submit documents to the court electronically.
- **Fax filing** – Court users may also file documents by [facsimile](#).
- **Online options** – Court users may access case information and make fine or fee payments through the court's online [Case Search and Calendar Search portal and payment system](#) (Portal).

Information on all remote options can also be found on the court's website at www.sb-court.org.

After careful deliberation, the Presiding Judge has concluded that the changes set forth above are a necessary part of SBSC's reasonable and measured plan to meet its extremely difficult financial challenges. Comments concerning the reduction in clerk's office hours of operation may be made to SBSC's Communications & Public Affairs Officer, Julie Van Hook, at courts-pio@sb-court.org. If you do not have internet access, comments may be mailed to: Superior Court of California, County of San Bernardino, Attention: Julie Van Hook, Communications & Public Affairs Officer, 247 West Third Street, San Bernardino, CA 92415-0210. All comments must be received by November 30, 2020.

This notice has been posted on the court's website at www.sb-court.org. For media inquiries, please contact the Communications and Public Affairs division (909) 708-8779 or courts-pio@sb-court.org.

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 normally operates Traffic Court at the Santa Clara and Morgan Hill courthouses, but since State and County Shelter in Place Orders were implemented beginning March 17, 2020, Traffic Court courtrooms at the Santa Clara and Morgan Hill courthouses have been closed. The Superior Court also operates Small Claims Court at the Downtown Superior courthouse in San Jose and those courtrooms have recently reopened since the Shelter in Place Orders were implemented.

This notice is to inform the public of the Superior Court's decision to implement an on-going closure of Traffic Court courtrooms and night or Saturday sessions for Traffic and Small Claims courtrooms until further notice. The closure will go into effect November 23, 2020.

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 operate Traffic Court courtrooms and night or Saturday sessions for Traffic and Small Claims courtrooms.

We apologize for the inconvenience these courtroom closures 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, November 20, 2020.

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