



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-091*

For business meeting on: May 21, 2021

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**Title**

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

**Agenda Item Type**

Information Only

**Date of Report**

April 20, 2021

**Submitted by**

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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 52nd 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 San Luis Obispo 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; it 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 it 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, 52 notices have been issued

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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.

by courts under its requirements.<sup>2</sup> The Judicial Council has received 51 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’s office hours,<sup>3</sup> 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>4</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>5</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>6</sup> Courts are, expressly, *not* obligated to respond to comments received.<sup>7</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. 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 the Senate and Assembly Committees on the Judiciary, the chair of

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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).

<sup>3</sup> Gov. Code, § 68106(b)(1).

<sup>4</sup> *Id.*, § 68106(c).

<sup>5</sup> *Id.*, § 68106(b)(1).

<sup>6</sup> *Id.*, § 68106(b)(1)–(2)(A).

<sup>7</sup> *Id.*, § 68106(b)(2)(B).

<sup>8</sup> *Id.*, § 68106(b)(2)(A).

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

### **Notices received from courts since last report**

The Judicial Council has received one new notice from one court (see Attachment B):

1. *Superior Court of San Luis Obispo County*. The court provided notice that, due to a decrease in staffing caused by the required health and safety response to the COVID-19 pandemic and the COVID-19–related budget shortfalls necessitating staff furloughs, the hours for the clerk’s operations and self-help legal center will be reduced, effective Monday, March 1, 2021, until further notice. The phone hours will change from 8:30 a.m. to 4:30 p.m. Monday through Friday to 8:30 a.m. to 1:00 p.m. Monday through Thursday, and 8:30 to 10:30 a.m. Friday. Traffic department phones will remain on the current schedule, and the department email address will continue to be attended between 8:30 a.m. and 4:30 p.m. Monday through Friday.

### **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](http://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 San Luis Obispo County, Jan. 28, 2021

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<sup>9</sup> *Id.*, § 68106(b)(3).

**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  
SAN LUIS OBISPO**



Jacquelyn H. Duffy, Presiding Judge  
Michael Powell, Executive Officer

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**For more information about this news  
release, please contact:**  
Administrative Office  
805-706-3615

**Court COVID-19 Information:**  
<https://www.slo.courts.ca.gov/4802.htm>

**PUBLIC NOTICE**

Thursday, January 28, 2021

SAN LUIS OBISPO, CALIFORNIA: The Superior Court of San Luis Obispo County announces a change in public phone hours..

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SAN LUIS OBISPO—The Superior Court of California, San Luis Obispo County, is changing its Civil and Criminal Department phone hours due to a decrease in staffing caused by the required health and safety response to the Covid-19 pandemic and due to the Covid-19 related budget shortfalls necessitating staff furloughs.

Currently, the public phone hours in the clerks' offices are from 8:30 a.m. to 4:00 p.m., Monday through Friday. Traffic Department phones will remain on the current schedule.

Effective Monday, March 1, 2021, the public phone hours for the Civil and Criminal departments will change to:

Monday through Thursday, 8:30 a.m. to 1:00 p.m.

Friday, 8:30 a.m. to 10:30 a.m.

For all court business the public access phone number is (805) 706-3600.

Please see [www.slo.courts.ca.gov](http://www.slo.courts.ca.gov) for our department email addresses which will continue to be attended between the hours of 8:30-4:00 Monday through Friday.

Please address any written comment on this planned service reduction to:

Michael Powell, Court Executive Officer  
1035 Palm Street, Room 385  
San Luis Obispo, California 93408

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