



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-140

For business meeting on October 1, 2021

Title

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

Agenda Item Type

Information Only

Date of Report

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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 report lists the latest court notices received by the council under this statutory requirement. Since the previous report, three superior courts—the Superior Courts of Colusa, Mariposa, and El Dorado Counties—have issued new notices.

Relevant Previous Council Action

Since the enactment of section 68106, 55 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 three new notices from three courts (see Attachments A, B, and C):

1. ***Superior Court of Colusa County***. The court provided notice that, due to staffing requirements and limitations, the operating hours for the clerk’s office filing windows and telephones will change, effective September 1, 2021 until further notice, to allow staff to provide improved and more timely services to the public. The current phone hours are Monday through Friday from 8:30 a.m. to 5 p.m., and they will be changed to Monday

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).

through Friday, 9:30 a.m. to 4:30 p.m., excluding holidays. A drop box will be available at Department Two to receive documents and payments outside of the clerk's office operating hours, and any document deposited in the drop box up to 5 p.m. on a court day is deemed to have been deposited for filing that day.

2. ***Superior Court of Mariposa County.*** The court provided notice that, effective October 1, 2021 until further notice, they are reducing their clerk's office public filing counter hours and telephone hours due to staffing requirements and limitations. Currently, the operating hours for the filing counters are Monday through Friday, 8 a.m. to 4 p.m. and the telephone hours are Monday through Friday, 8 a.m. to 5 p.m., excluding holidays. The new hours for both filing counters and phone hours will be Monday through Friday from 8 a.m. to 3 p.m., excluding holidays. A drop box will be available in the courthouse hallway to receive documents and payments outside the clerk's office operating hours. Any document deposited in the drop box up to 5 p.m. on a court day is deemed to have been deposited for filing that day.
3. ***Superior Court of El Dorado County.*** The court provided notice that, effective September 28, 2021 until further notice, all El Dorado court branches are reducing service hours for the clerk's offices and telephone to 8 a.m. to 3 p.m. from the current service hours of 8 a.m. to 4 p.m., due to resource constraints. As alternatives to in-person visits, the court will offer (1) drop boxes located on the outside of each court facility for filing papers or submitting payments 24 hours a day (any document deposited up to and including 4 p.m. on a court day is deemed to have been deposited for filing on that day); and (2) online options for accessing case information, fax filing documents, and certain traffic and criminal payments.

The notices detailed above have 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 Colusa County, June 28, 2021
2. Attachment B: Notice from the Superior Court of Mariposa County, July 28, 2021
3. Attachment C: Notice from the Superior Court of El Dorado County, July 28, 2021
4. Link A: Gov. Code, § 68106,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=68106



**SUPERIOR COURT OF
CALIFORNIA**

COUNTY OF COLUSA

532 OAK STREET, COLUSA, CA 95932

PHONE: (530)458-5149

HON. JEFFREY A. THOMPSON
PRESIDING JUDGE

HON. ELIZABETH UFKES OLIVERA
ASST. PRESIDING JUDGE

ERIKA F. VALENCIA
COURT EXECUTIVE OFFICER

IMPORTANT PUBLIC NOTICE

Pursuant to Government Code Section 68106(b)(1)

June 28, 2021

The Superior Court of California, County of Colusa is providing 60 days' notice of a reduction in operating hours for the public filing windows and telephones in the Clerk's Offices pursuant to Government Code Section 68106.

Currently the operating hours for the Colusa Superior Court Clerk's Office filing windows and telephones are Monday – Friday from 8:30 a.m. to 5:00 p.m., excluding holidays. Effective Wednesday, September 1, 2021, the operating hours for the Clerk's Office filing windows and telephones will be Monday – Friday from 9:00 a.m. to 4:30 p.m., excluding holidays.

A drop box is available at Department Two to receive documents and payments outside of the Clerk's Office operating hours. Any document deposited in the drop box up to 5:00 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 Court finds this action is necessary due to staffing requirements and limitations. The reduction in the Clerk's Office hours will allow for staff to provide improved service to the public in more timely case filing processing times.

We apologize for the inconvenience the reduced hours may cause. If you would like to submit comments about the proposed reduction in hours, please send them to Court Administration, Attention: Erika F. Valencia, 532 Oak Street, Colusa, CA 95932, by August 31, 2021.

For more information, please see the Superior Court's website at www.colusa.courts.ca.gov.



Superior Court of the State of California County of Mariposa

PUBLIC NOTICE

Pursuant to Government Code Section 68106(b)(1)

July 28, 2021

The Superior Court of California, County of Mariposa is providing 60 days' notice of a reduction in operating hours for the public filing counters and telephones in the Clerk's Offices pursuant to Government Code Section 68106.

Currently, the operating hours for the Mariposa Superior Court Clerk's Office filing counters are Monday – Friday from 8:00 a.m. to 4:00 p.m. and the telephone hours are Monday – Friday from 8:00 a.m. to 5:00 p.m., excluding holidays.

Effective October 1, 2021, the operating hours for the Clerk's Office filing counters and telephones will be Monday – Friday from 8:00 a.m. to 3:00 p.m., excluding holidays.

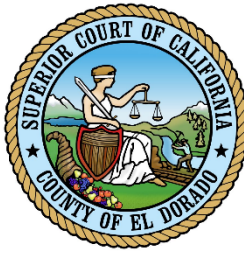
A drop box is available in the courthouse hallway to receive documents and payments outside of the Clerk's Office operating hours. Any document deposited in the drop box up to 5:00 p.m. on a court day is deemed to have been deposited for filing that day. No cash payments are accepted via drop box.

The Court finds this action is necessary due to staffing requirements and limitations. The reduction in the Clerk's Office hours will allow for case filing processing times.

We apologize for the inconvenience the reduced hours may cause. If you would like to submit comments about the proposed reduction in hours, please send them to Court Administration, ATTN: Cynthia J. Busse, Court Executive Officer, P.O. Box 316, Mariposa, CA 95338 by September 30, 2021.

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

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Superior Court of California, County of El Dorado

PUBLIC NOTICE* **RE: REDUCED CLERK'S OFFICE HOURS**

Effective ***Tuesday, September 28, 2021***, all Superior Court of California, County of El Dorado (Court) branches will reduce service hours for the clerk's offices and telephones to 8:00 a.m. to 3:00 p.m. from the current service hours of 8:00 a.m. to 4:00 p.m. The Court finds this action necessary due to constraints on its resources that impacts the Court's ability to provide services.

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

- **Drop boxes** - Are located on the outside of each Court facility for filing papers or submitting payments 24 hours per day. Pursuant to California Rules of Court, rule 2.210(b) any document deposited in a court's drop box up to an including 4:00 p.m. on a court day is deemed to have deposited for a filing on that day.
- **Online options** – Court users may access case information, fax file documents, and make certain traffic and criminal payments online. For more information visit www.eldoradocourt.org.

Comments may be submitted to Court-Admin@eldoradocourt.org.

*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.