



NEWS RELEASE

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Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

Judicial Council Welcomes Comments On Public Access Rules for Judicial Branch

Draft Rules Would Provide Access to Records on Court Administration

San Francisco—The Judicial Council of California is seeking public comment on proposed court rules that would provide public access to judicial administrative records maintained by state trial and appellate courts, the Judicial Council, and the Administrative Office of the Courts (AOC).

The council's invitation to comment is available on the California Courts Web site at <http://www.courtinfo.ca.gov/invitationstocomment>. The deadline for comment is Thursday, October 29, 2009.

The draft rules would implement Government Code section 68106.2(g), which was added by Senate Bill X4 13 as part of the State Budget Act. That legislation requires the Judicial Council to adopt rules of court by January 1, 2010, to "provide access to nondeliberative or nonadjudicative court records, budget and management information."

The proposed rules were drafted in consultation with a judicial working group, which includes representatives from the appellate courts, trial courts, and California Judges Association. The proposed rules also reflect input from legislative staff, trial court employee labor unions, and groups advocating open access to government information.

The proposed rules are drawn from the California Public Records Act, applicable to state executive branch agencies, and the Legislative Open Records Act, applicable to the state Legislature. The rules also are drawn in part from the federal Freedom of Information Act, applicable to federal executive branch agencies. Provisions have been fashioned as appropriate in light of the unique role and functions of the judicial branch.

Proposed rule 10.500 of the California Rules of Court is designed to do the following:

- Acknowledge the judicial branch’s recognition of and support for the public’s right of access to information about its activities.
- Reflect the role of the judicial branch of government and how it differs from the executive and legislative branches.
- Provide that judicial administrative records, as opposed to “adjudicative records” are open to the public unless specifically exempt. The proposed rules do not apply to “adjudicative” court records—such as those prepared for or filed or used in a court proceeding or in the judicial deliberation process—which are already governed by a large body of case law.
- Exempt from disclosure the same information that is exempt from access under the California Public Records Act—such as personnel, medical, and similar records—and modify and incorporate other exemptions where appropriate to address the specific functions of the judicial branch.
- Clarify fees that a judicial branch entity may charge in responding to requests for copies of judicial administrative records.
- Set standards for response times to requests for administrative records that are consistent with the California Public Records Act.

Comments on the proposed rules may be submitted online or in writing, using the online form or in letter format. Comments are due by 5 p.m. on October 29, 2009, at the following address:

Ms. Camilla Kieliger
Judicial Council of California
455 Golden Gate Avenue
San Francisco California 94102.

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The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.