

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on May 24, 2018, effective June 1, 2018

1 Rule 10.500. Public access to judicial administrative records..... 2
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1 **Rule 10.500. Public access to judicial administrative records**

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3 **(a)–(e)** * * *

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5 **(f) Exemptions**

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7 Nothing in this rule requires the disclosure of judicial administrative records that
8 are any of the following:

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10 **(1)–(6)** * * *

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12 **(7)** Records related to evaluations of, complaints regarding, or investigations of
13 justices, judges (including temporary and assigned judges), subordinate
14 judicial officers, and applicants or candidates for judicial office. This
15 exemption does not apply to any settlement agreement entered into on or
16 after January 1, 2010 for which public funds were spent in payment of the
17 settlement, including any settlement agreement arising from claims or
18 complaints of sexual harassment or sexual discrimination. The names of
19 judicial officers may not be redacted from any settlement agreement that is
20 produced under this rule; however, the names of complainants or witnesses,
21 and other information that would identify complainants or witnesses, may be
22 redacted.

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24 *(Subd (f) amended effective June 1, 2018.)*

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26 **(8)–(12)** * * *

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28 **(g)–(j)** * * *

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30 *Rule 10.500 amended effective June 1, 2018; adopted effective January 1, 2010; previously*
31 *amended effective January 1, 2016.*

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33 **Advisory Committee Comment**

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35 **Subdivision (a).** * * *

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37 **Subdivisions (b)(1) and (b)(2).** * * *

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39 **Subdivision (c)(2).** * * *

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41 **Subdivision (e)(4).** * * *

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43 **Subdivision (f)(3).** * * *

1 **Subdivision (f)(7).** The 2018 amendments to (f)(7) clarify that settlement agreements are not
2 exempt from disclosure. All judicial branch entities, including the Judicial Council, must disclose
3 settlement agreements under a rule 10.500 request, given the public nature of these records. (See
4 Register Div. of Freedom Newspapers, Inc. v. County of Orange (1984) 158 Cal.App.3d 893,
5 909.) By clarifying the public nature of settlement agreements and judicial branch entities'
6 obligation to disclose them, the amended rule also clarifies that a judicial branch entity's
7 disclosure of these agreements, whether maintained by the entity or its attorneys, would not
8 implicate any ethical or legal obligations under Business and Professions Code section 6068(e)(1)
9 or rule 3-100(A) of the State Bar Rules of Professional Conduct. The duty of a judicial branch
10 entity to disclose public records of settlements is not constrained by which persons, division, or
11 office within the entity maintains the records.

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13 The 2018 amendments to rule 10.500 do not apply to records maintained by the Commission on
14 Judicial Performance, an independent state entity established under article VI, section 18 of
15 the California Constitution. Rule 10.500 is not applicable to the Commission on Judicial
16 Performance which has separate rules that apply to its work and records.

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18 **Subdivision (f)(10).** * * *

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20 **Subdivision (f)(11).** * * *

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22 **Subdivision (j)(1).** * * *