



JUDICIAL COUNCIL OF CALIFORNIA

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 21, 2015

Title	Agenda Item Type
Judicial Branch Administration: Report on California Rules of Court, rule 10.75 (Meetings of advisory bodies)	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 21, 2015
Recommended by	Date of Report
Hon. Douglas P. Miller, Chair, Executive and Planning Committee	August 11, 2015
Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee	Contact
Hon. David Rubin, Chair, Litigation Management Committee	Pam Reynolds, 916-263-1462 pam.reynolds@jud.ca.gov
Hon. Kenneth K. So, Chair, Policy Coordination and Liaison Committee	Laura Speed, 916-323-3121 laura.speed@jud.ca.gov
Hon. James E. Herman, Chair, Technology Committee	

Executive Summary

Under California Rules of Court, rule 10.75(p), the Judicial Council must review the rule's impact within one year of its adoption to determine whether amendments are needed. After considering the issue, the chairs of the Judicial Council's five internal committees have concluded that there are no amendments needed at this time. A total of 293 meetings were held under the rule during the first year, of which 149 meetings—51 percent—were open to the public. The chairs recommend that the council accept this report and direct that the attached letter to be sent to the Joint Legislative Budget Committee as required by the Supplemental Report of the 2013–2014 Budget Package.

Recommendation

The chairs of the five internal committees recommend that the Judicial Council accept the *Report on California Rules of Court, rule 10.75 (Meetings of advisory bodies)* and direct Judicial Council staff to submit to the Legislature the Letter to the Joint Legislative Budget Committee reporting on rule 10.75 (Attachment 1).

Previous Council Action

The initial report on the steps underway to develop and implement an open meeting rule was submitted to the Legislature by the Judicial Council on January 1, 2014, as required by the Supplemental Report of the 2013–2014 Budget Package.

The Judicial Council approved rule 10.75, Meetings of advisory bodies, at its April 24, 2014, meeting and the rule became effective July 1, 2014.

Rationale for Recommendation

Implementation. A significant amount of Judicial Council staff resources has been devoted to the implementation of the rule to ensure consistent application and to assess areas in which advisory bodies needed to modify their procedures to comply with the rule. After the council adopted the rule, Judicial Council members and staff began activities that would assist the chairs and lead staff in the implementation of the rule:

- In addition to comprehensive training for chairs, vice-chairs, and lead staff of advisory bodies, council staff developed templates of standard meeting notices, agendas, and minutes for the advisory bodies to use. This standardization assisted with the consistent application of the rule across all advisory bodies.
- Council staff created web pages for all advisory bodies that are subject to the rule. The web pages provide the public with pertinent information about each advisory body and allow for transparency and consistency across the advisory bodies. The web pages contain the following types of information:
 - Meeting notices and agendas, including for those meetings that are closed under the rule. Notices and agendas are posted five business days before the meeting unless there is an urgent circumstance.
 - Meeting materials for meetings that are open to the public, including draft minutes for previous meetings that were open. Materials are posted three business days before the meeting unless there is an urgent circumstance.
 - Roster of the advisory body members.
 - Information about the purpose of the advisory body.
 - A listing of the standing subcommittees for each advisory body.
 - Contact information for each advisory body to allow the public to e-mail Judicial Council staff assigned to the advisory body.

Impact of the rule. The implementation of rule 10.75 has provided greater public access to the meetings of internal and advisory committees and similar multimember bodies that the council creates to review issues and report to it. Most of these meetings had previously never been open to the public. Given the notice requirements, the rule has impacted the speed with which the advisory bodies' work can be completed and presented to the Judicial Council for consideration and approval.

During the year following the Judicial Council's adoption of the rule, 149 advisory body meetings, out of a total of 293 meetings subject to the rule, were open to the public for the first time. About 72 percent of those open meetings were conducted entirely by teleconference or other electronic means (e.g., videoconference). The public was able to listen to those meetings by joining a conference call line, and was provided the opportunity to submit written comments in advance for consideration. For the few in-person advisory body meetings that occurred in this period, the public also had the option of listening in through a telephone conference line and could attend in person if the chair concluded security measures permitted.

Of the 149 advisory body meetings that were open to the public, the public attended 95 meetings either in person or by listening in through a conference call line, and 36 percent of the meetings had no public attendance. Of the 33 in-person meetings that the public had the opportunity to attend in person, spoken public comment was made at 11—33 percent—of those meetings. Since July 1, 2014, the advisory bodies that had the greatest level of public attendance were:

1. Court Facilities Advisory Committee
2. Court Interpreters Advisory Panel
3. Judicial Council Technology Committee
4. Policy Coordination and Liaison Committee
5. Trial Court Budget Advisory Committee
6. Trial Court Facility Modification Advisory Committee
7. Workload Assessment Advisory Committee

During the first year of the rule, most closed sessions occurred during meetings of the six rule committees. This was consistent with rule 10.75(c)(3), which presumes the meetings of those committees are ordinarily closed due to the nature of the work they conduct, which poses unique ethics challenges for advisory body members who are judges.¹ Rule committee meetings may be open, however, if the chair concludes that a particular agenda item may be addressed in open session, and each of the six rule committee meetings did include open sessions.² When other

¹ See, e.g., Judicial Council of Cal., *Judicial Branch Administration: Rule for Public Access to Meetings of Judicial Council Advisory Bodies* (Apr. 24, 2014), at pp. 7–8, www.courts.ca.gov/documents/jc-20140425-item1.pdf (discussing this point). Any rule committee budget meetings, however, must occur in open session. (Cal. Rules of Court, rule 10.75(c)(3).)

² Any rule committee budget meetings also would have to occur in open session. (*Ibid.*)

advisory bodies closed a meeting, the top reasons were (citations in the list are to the relevant subdivisions of rule 10.75):

1. (d)(1)—The appointment, qualifications, performance, or health of an individual, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy.
2. (d)(3)—Negotiations concerning a contract, a labor issue, or legislation.
3. (d)(5)—Security plans or procedures or other matters that if discussed in public would compromise the safety of the public or of judicial branch officers or personnel or the security of judicial branch facilities or equipment, including electronic data.
4. (d)(10)—Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

For all regularly scheduled closed meetings, a notice and agenda was posted to the advisory body's web page at least five business days before the meeting with information about the topics to be discussed. This provided the public information about the work of the advisory body.

In the first few months after implementation of the rule, advisory body chairs and council staff had many questions about rule requirements, including about calculation of notice and other time requirements. Proposals often are presented to multiple advisory bodies for comment before they are presented to the council for approval. This consultation process is critical in ensuring that the final proposals are fully developed. However, coordinating the successive meeting dates of the various advisory bodies to permit this multi-staged consultation process is made more challenging by the new notice requirements.

No major concerns regarding the rule have been identified, however, nor has any advisory body suggested rule amendments. As a result, the internal chairs do not recommend any modification to the rule at this time. The internal chairs will continue monitoring the rule and periodically report back to the Judicial Council on the impact to determine if amendments are needed.

Report to the Legislature. The Supplemental Report of the 2013–2014 Budget Package requires for each fiscal year (FY), beginning with FY 2014–2015, the Judicial Council to submit to the Joint Legislative Budget Committee a report on an open meetings rule including the text of the rule and specific detail on amendments to the rule adopted in the prior fiscal year. A draft of the required report is included as Attachment 1 to this Judicial Council report, for the council's approval.

Comments, Alternatives Considered, and Policy Implications

The internal committee chairs considered the alternative of recommending amendments to rule 10.75 to address any questions or uncertainty, or to assist in resolving any issues or problems.

The rule does not appear to require clarification at present, however, and advisory bodies indicate they have been able thus far to complete their work despite the additional duties and time constraints. Nor have any known problems arisen to date related to public access. Advisory bodies have not, for example, received complaints about access. Although public attendance may fluctuate over time as public awareness grows, and depending on the issues that individual advisory bodies may consider, there is no apparent demand at present to expand access.

Implementation Requirements, Costs, and Operational Impacts

Acceptance of this report and approval of the attached update to the Legislature would not involve any implementation requirements or quantifiable costs. The operational impact would be to preserve the status quo of the existing open meeting requirements described in rule 10.75. The rule has added work for staff in preparing for meetings of advisory bodies and their subcommittees, requiring generation of more documents, for example, and the added variable of public attendance for teleconferences. There are occasional challenges in coordinating the meetings of the multiple advisory bodies that may consider proposals, as they are developed for Judicial Council approval, and this has meant delay and scheduling adjustments at times. However, these challenges are outweighed by the benefits of expanded public access to Judicial Council advisory bodies, including opportunities for greater public understanding of the work of the judicial branch, and for public participation and contribution to that work.

Attachment

1. Letter to the Joint Legislative Budget Committee reporting on rule 10.75
2. Attachment A: California Rules of Court, rule 10.75 (Meetings of advisory bodies)



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MR. MARTIN HOSHINO
*Administrative Director,
Judicial Council*

August 21, 2015

Hon. Mark Leno
Chair, Joint Legislative Budget
Committee
1020 N Street, Room 553
Sacramento, California 95814

Hon. Shirley N. Weber
Vice-Chair, Joint Legislative
Budget Committee
1020 N Street, Room 553
Sacramento, California 95814

Subject: Report on California Rules of Court, rule 10.75 (Meetings of
Judicial Council Advisory Bodies)

Dear Senator Leno:

The Supplemental Report of the 2013–2014 Budget Package directed the
Judicial Council, beginning with the 2014–2015 fiscal year, to report
annually on the status of the open meetings rule that it adopted for its
advisory bodies. The annual report must include specific detail on any
amendments adopted in the prior fiscal year.

California Rules of Court, rule 10.75, titled “Meetings of advisory
bodies,” was adopted by the Judicial Council and became effective on
July 1, 2014. No amendments have been made to Rule 10.75 since its
adoption. The full text of the rule is attached.

If you have any questions related to this report, please contact Cory
Jasperson, Director of the Judicial Council’s Governmental Affairs office
at 916-323-3121, or cory.jasperson@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

August 21, 2015

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Attachment

cc: Members of the Joint Legislative Budget Committee
Diane F. Boyer-Vine, Legislative Counsel
Daniel Alvarez, Secretary of the Senate
E. Dotson Wilson, Chief Clerk of the Assembly
Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León
Fredericka McGee, Special Assistant to Assembly Speaker Toni G. Atkins
Anita Lee, Senior Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Tiffany Garcia, Program Budget Analyst, Department of Finance
Peggy Collins, Principal Consultant, Joint Legislative Budget Committee
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee
Matt Osterli, Consultant, Senate Republican Fiscal Office
Marvin Deon, Consultant, Assembly Budget Committee
Allan Cooper, Consultant, Assembly Republican Office of Policy & Budget
Jolie Onodera, Consultant, Senate Appropriations Committee)
Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee
Mike Petersen, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jaspersen, Director, Judicial Council, Governmental Affairs,
Peter Allen, Senior Manager, Judicial Council, Communications
Yvette Casillas-Sarcos, Administrative Coordinator, Judicial Council, Governmental Affairs



California Rules of Court (Revised July 1, 2015)

Rule 10.75. Meetings of advisory bodies

(a) Intent

The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies. Existing rules and procedures provide for circulation of advisory body proposals regarding rules, forms, standards, and jury instructions for public comment, posting of written reports for the council on the California Courts website (www.courts.ca.gov), public attendance and comment during council meetings, real time audio casts of council meetings, and public posting of council meeting minutes. This rule expands public access to advisory body meetings.

(b) Advisory bodies and chairs

- (1) "Advisory bodies," as used in this rule, means any multimember body created by the Judicial Council to review issues and report to the council. For purposes of this rule, subcommittees that are composed of less than a majority of the members of the advisory body are not advisory bodies. However, standing subcommittees that are charged with addressing a topic as a continuing matter are advisory bodies for purposes of this rule irrespective of their composition.
- (2) "Chair," as used in this rule, includes a chair's designee.

(c) Open meetings

(1) Meetings

Advisory body meetings to review issues that the advisory body will report to the Judicial Council are open to the public, except as otherwise provided in this rule. A meeting open to the public includes a budget meeting, which is a meeting or portion of a meeting to discuss a proposed recommendation of the advisory body that the Judicial Council approve an allocation or direct an expenditure of public funds. A majority of advisory body members must not decide a matter included on a posted agenda for an upcoming meeting in advance of the meeting.

(2) Exempt bodies

The meetings of the following advisory bodies and their subcommittees are exempt from the requirements of this rule:

- (A) Advisory Committee on Civil Jury Instructions;
- (B) Advisory Committee on Criminal Jury Instructions; and
- (C) Litigation Management Committee.

(3) Rule committees

With the exception of any budget meetings, the meetings of the rule committees listed in this subdivision and of their subcommittees are closed unless the chair concludes that a particular agenda item may be addressed in open session. Any budget meeting must be open to the public.

- (A) Appellate Advisory Committee;
- (B) Civil and Small Claims Advisory Committee;
- (C) Criminal Law Advisory Committee;
- (D) Family and Juvenile Law Advisory Committee;

(E) Probate and Mental Health Advisory Committee; and

(F) Traffic Advisory Committee.

(d) Closed sessions

The chair of an advisory body or an advisory body subcommittee may close a meeting, or portion of a meeting, to discuss any of the following:

- (1) The appointment, qualifications, performance, or health of an individual, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy;
- (2) Claims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonably anticipated to name, a judicial branch entity or a member, officer, or employee of such an entity;
- (3) Negotiations concerning a contract, a labor issue, or legislation;
- (4) The price and terms of payment for the purchase, sale, exchange, or lease of real property for a judicial branch facility before the property has been acquired or the relevant contracts have been executed;
- (5) Security plans or procedures or other matters that if discussed in public would compromise the safety of the public or of judicial branch officers or personnel or the security of judicial branch facilities or equipment, including electronic data;
- (6) Non-final audit reports or proposed responses to such reports;
- (7) Trade secrets or privileged or confidential commercial and financial information;
- (8) Development, modification, or approval of any licensing or other professional examination or examination procedure;
- (9) Evaluation of individual grant applications; or
- (10) Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

(e) Notice of meetings

(1) *Regular meetings*

Public notice must be given of the date and agenda of each meeting that is subject to this rule, whether open or closed, at least five business days before the meeting.

(2) *Urgent circumstances*

A meeting that is subject to this rule may be conducted on 24-hours notice in case of urgent circumstances requiring prompt action. The minutes of such meetings must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken.

(f) Form of notice

- (1) The notice and agenda for a meeting subject to this rule, whether open or closed, must be posted on the California Courts website.
- (2) The notice for meetings subject to this rule must state whether the meeting is open or closed. If a meeting is closed or partially closed, the notice must identify the closed agenda items and the specific subdivision of this rule authorizing the closure.
- (3) For meetings that are open in part or in full, the notice must provide:
 - (A) The telephone number or other electronic means that a member of the public may use to attend the meeting;
 - (B) The time of the meeting, whether the public may attend in person, and, if so, the meeting location; and
 - (C) The e-mail address or other electronic means that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting.

(g) Contents of agenda

The agenda for a meeting subject to this rule, whether open or closed, must contain a brief description of each item to be considered during the meeting. If a meeting is closed or partially closed, the agenda must identify the specific subdivision of this rule authorizing the closure.

(h) Meeting materials

Materials for an open meeting must be posted on the California Courts website at least three business days before the date of the meeting, except in extraordinary circumstances.

(i) Public attendance

The public may attend open sessions of advisory body meetings by telephone or other available electronic means. If the members of an advisory body gather in person at a single location for a meeting, the public may attend in person at that location if the chair concludes security measures permit.

(j) Conduct at meeting

Members of the public who attend open meetings in person must remain orderly. The chair may order the removal of any disorderly person.

(k) Public comment

(1) *Written comment*

The public may submit written comments for any agenda item of a regularly noticed open meeting up to one complete business day before the meeting.

(2) *In-person comment*

If security measures permit public attendance at an open in-person advisory body meeting, the meeting must include an opportunity for public comment on each agenda item before the advisory body considers the item. Requests to comment on an agenda item must be submitted before the meeting begins, indicating the speaker's name, the name of the organization that the speaker represents, if any, and the agenda item that the public comment will address. The advisory body chair may grant a request to comment on an agenda item that is received after a meeting has begun.

(3) *Reasonable limits and timing*

The advisory body chair has discretion to establish reasonable limits on the length of time for each speaker and the total amount of time permitted for public comment. The chair may also decide whether public comments will be heard at the beginning of the meeting or in advance of the agenda items.

(l) Making an audio recording of a meeting

An advisory body chair may permit a member of the public to make an audio recording of an open meeting, or the open portion of a meeting, if a written request is submitted at least two business days before the meeting.

(m) Minutes as official records

Minutes of each meeting subject to this rule, whether open or closed, must be prepared for approval at a future meeting. When approved by the advisory body, the minutes constitute the official record of the meeting. Approved minutes for the open portion of a meeting must be posted on the California Courts website.

(n) Adjourned meetings

An advisory body chair may adjourn a meeting to reconvene at a specified time without issuing a new notice under (e)(1), provided that, if open agenda items remain for discussion, notice of the adjourned meeting is posted on the California Courts website 24 hours before the meeting reconvenes. The notice must identify any remaining open agenda items to be discussed, the time that the meeting will reconvene, the telephone number that the public may use to attend the meeting, and if the public may attend the reconvened meeting in person, the location. The advisory body may not consider new agenda items when the meeting reconvenes except as permitted under (e)(2).

(o) Action by e-mail between meetings

An advisory body may take action by e-mail between meetings in circumstances specified in this subdivision.

(1) *Circumstances*

An advisory body chair may distribute a proposal by e-mail to all advisory body members for action between meetings if:

- (A) The advisory body discussed and considered the proposal at a previous meeting but concluded additional information was needed; or
- (B) The chair concludes that prompt action is needed.

(2) *Notice*

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting, the advisory body must provide public notice and allow one complete business day for public comment concerning the proposal before acting on the proposal. The notice must be posted on the California Courts website and must provide an e-mail address to which the public may submit written comments. The advisory body may forego public comment if the chair concludes that prompt action is required.

(3) *Communications*

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting, after distribution of the proposal and until the advisory body has acted, advisory body members must restrict their communications with each other about the proposal to e-mail. This restriction only applies to proposals distributed under this subdivision.

(4) *Official record*

Written minutes describing the action taken on an e-mail proposal that otherwise must be discussed in an open meeting must be prepared for approval at a future meeting. The minutes must attach any public comments received. When approved by the advisory body, the minutes constitute the official record of the proposal. Approved minutes for such a proposal must be posted to the California Courts website. The e-mails exchanged concerning a proposal that otherwise would have been considered in a closed meeting will constitute the official record of the proposal.

(p) Review requirement

The Judicial Council will review the impact of this rule within one year of the rule's adoption and periodically thereafter to determine whether amendments are needed. In conducting its review, the council will consider, among other factors, the public interest in access to meetings of the council's advisory bodies, the obligation of the judiciary to comply with judicial ethics standards, and the public interest in the ability of advisory bodies to effectively assist the Judicial Council by offering policy recommendations and alternatives for improving the administration of justice.

Rule 10.75 adopted effective July 1, 2014.

Advisory Committee Comment

Subdivisions (a) and (c)(1). This rule expands public access to Judicial Council advisory bodies. The council recognizes the important public interest in access to those meetings and to information regarding administration and governance of the judicial branch. Meetings of the Judicial Council are open, and notice and materials for those meetings are provided to the public, under rules 10.5 and 10.6. Rules in Division 1 of Title 10 describe the council's advisory bodies and require that proposals for rules, standards, forms, and jury instructions be circulated for public comment. (See Cal. Rules of Court, rules 10.10-10.22, 10.30-10.70.) Reports to the council presenting proposals and recommendations are publicly posted on the California Courts website (www.courts.ca.gov). Internal committee chairs report at each council meeting regarding the activities of the internal committees in the period since the last council meeting, and internal committee meeting minutes also are posted on the California Courts website. This rule expands on those existing rules and procedures to increase public access by opening the meetings of advisory bodies to review issues that the advisory body will report to the council. The rule does not apply to meetings that do not involve review of issues to be reported to the council, such as meetings providing education and training of members, discussion of best practices, or sharing of information of general interest unrelated to advice or reports to the council. Those non-advisory matters are outside the scope of this rule.

Subdivision (b)(1). The definition provided in (b)(1) is intended exclusively for this rule and includes internal committees, advisory committees, task forces, and other similar multimember bodies that the council creates to review issues and report to it. (Cf. Cal. Rules of Court, rule 10.30(a) ["Judicial Council advisory bodies are typically advisory committees and task forces].)

Subdivisions (c)(2), (c)(3), and (d)(10). The Code of Judicial Ethics governs the conduct of judges and is binding upon them. It establishes high standards of conduct that judges must personally observe, maintain, and enforce at all times to promote and protect public confidence in the integrity and impartiality of the judiciary. (See Code of Judicial Ethics, Preamble, canon 1, canon 2A.) Among other things, compliance with these high ethical standards means avoiding conduct that could suggest a judge does not have an open mind in considering issues that may come before the judge. (*Id.*, canon 2A.) Judges also are prohibited from making public comments about a pending or impending proceeding (*id.*, canon 3B(9)), signifying that they may not publicly discuss case law that has not reached final disposition through the appellate process, or pending or anticipated litigation, conduct that would be required to participate in the work covered by the referenced subdivisions. Ethical standards also direct that they hear and decide all matters assigned to them, avoiding extrajudicial duties that would lead to their frequent disqualification. (*Id.*, canons 3B(1), 4A(4).)

The work of the three advisory bodies listed in subdivision (c)(2) exclusively involves discussion of topics that are uniquely difficult or impossible for judges to address while honoring the detailed ethical standards governing the judiciary. For example, as required by rule, the Litigation Management Committee discusses pending or anticipated claims and litigation against judicial officers, courts, and court employees. Jury instruction committees also may discuss decisions or rulings issued in cases that have not reached final resolution through the appellate process.

Thus, opening the meetings of these three committees would result in precluding judges, who are specially learned in the law, from meaningful participation on those committees. Subdivision (c)(2) is added to avoid this result.

The work of the six rule committees listed in subdivision (c)(3) almost always will trigger similar issues. Those bodies focus primarily on developing, and providing input concerning, proposed legislation, rules, forms, and standards of judicial administration. That work necessarily entails a complex interchange of views, consideration of multiple perspectives, and the vetting of opposing legal arguments, which judges cannot undertake in public without risk that their comments will be misunderstood or used as a basis for disqualification or challenge. Service on the referenced committees, and public participation in discussing the referenced topics, may make it difficult for a judge to hear and decide all matters assigned to the judge and conceivably could lead to frequent disqualification of the judge, exposing the judge to risk of an ethical violation. This may create significant practical issues for courts related to judicial workloads, while also deterring individuals specially learned in the law from serving on advisory bodies, in turn depriving the public of the benefits of their training and experience in crafting procedures for the effective and efficient administration of justice. Subdivisions (c)(3) and (d)(10) are intended to prevent such deleterious results by clarifying that meetings of the six rule committees whose work almost entirely focuses on these topics ordinarily will be closed and that meetings of other bodies performing similar functions also will be closed as the chairs deem appropriate, with the exception that any budget meetings must be open.

Subdivision (d)(7). Definitions of the terms "trade secret," "privileged information," and "confidential commercial and financial information," are provided in rule 10.500(f)(10).

Subdivision (k)(1). Due to budget constraints, members' schedules, and the geographic diversity of most committees' membership, advisory body meetings typically are held via teleconference or other method not requiring the members' in person attendance. Because judicial officer and attorney members may have limited time for meetings (e.g., only a lunch hour), the volume of advisory body business to be accomplished in those periods may be considerable, and the costs of coordinating teleconferences that would accommodate spoken comments from the public would be significant in the aggregate, the rule only provides for public comment in writing. To ensure sufficient time for advisory body staff to gather and distribute written comments to members, and for members to review comments before the meeting, the rule requires that comments be submitted one complete business day before the meeting.