

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on December 15, 2009,
effective on January 1, 2010.

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1 **Rule 2.1010. Juror motion to set aside sanctions imposed by default**

2
3 (a)–(g) * * *

4
5 ~~(h) Sunset date~~

6
7 ~~This rule is effective until January 1, 2010.~~

8
9 *Rule 2.1010 amended effective January 1, 2010; adopted as rule 862 effective January 1, 2005;*
10 *previously amended effective January 1, 2007.*

11
12
13 TITLE 10. JUDICIAL ADMINISTRATION RULES

14
15 Division 3. Judicial Administration Rules Applicable to All Courts

16
17 **Rule 10.500. Public access to judicial administrative records**

18
19 **(a) Intent**

20
21 (1) The Judicial Council intends by this rule to implement Government
22 Code section 68106.2(g), added by Senate Bill X4 13 (Stats. 2009-10,
23 4th Ex. Sess. ch. 22), which requires adoption of rules of court that
24 provide public access to nondeliberative and nonadjudicative court
25 records, budget and management information.

26
27 (2) This rule clarifies and expands the public’s right of access to judicial
28 administrative records and must be broadly construed to further the
29 public’s right of access.

30
31 **(b) Application**

32
33 (1) This rule applies to public access to judicial administrative records,
34 including records of budget and management information relating to
35 the administration of the courts.

36
37 (2) This rule does not apply to, modify or otherwise affect existing law
38 regarding public access to adjudicative records.

39
40 (3) This rule does not restrict the rights to disclosure of information
41 otherwise granted by law to a recognized employee organization.

1 (4) This rule does not affect the rights of litigants, including parties to
2 administrative proceedings, under the laws of discovery of this state,
3 nor does it limit or impair any rights of discovery in a criminal case.

4
5 (5) This rule does not apply to electronic mail and text messages sent or
6 received before the effective date of this rule.

7
8 **(c) Definitions**

9
10 As used in this rule:

11
12 (1) “Adjudicative record” means any writing prepared for or filed or used
13 in a court proceeding, the judicial deliberation process, or the
14 assignment or reassignment of cases and of justices, judges (including
15 temporary and assigned judges), and subordinate judicial officers, or of
16 counsel appointed or employed by the court.

17
18 (2) “Judicial administrative record” means any writing containing
19 information relating to the conduct of the people’s business that is
20 prepared, owned, used, or retained by a judicial branch entity regardless
21 of the writing’s physical form or characteristics, except an adjudicative
22 record. The term “judicial administrative record” does not include
23 records of a personal nature that are not used in or do not relate to the
24 people’s business, such as personal notes, memoranda, electronic mail,
25 calendar entries, and records of Internet use.

26
27 (3) “Judicial branch entity” means the Supreme Court, each Court of
28 Appeal, each superior court, the Judicial Council, and the
29 Administrative Office of the Courts.

30
31 (4) “Judicial branch personnel” means justices, judges (including
32 temporary and assigned judges), subordinate judicial officers, members
33 of the Judicial Council and its advisory bodies, and directors, officers,
34 employees, volunteers, and agents of a judicial branch entity.

35
36 (5) “Person” means any natural person, corporation, partnership, limited
37 liability company, firm, or association.

38
39 (6) “Writing” means any handwriting, typewriting, printing,
40 photographing, photocopying, electronic mail, fax, and every other
41 means of recording on any tangible thing any form of communication
42 or representation, including letters, words, pictures, sounds, symbols, or

1 combinations, regardless of the manner in which the record has been
2 stored.

3
4 **(d) Construction of rule**

5
6 (1) Unless otherwise indicated, the terms used in this rule have the same
7 meaning as under the Legislative Open Records Act (Gov. Code, §
8 9070 et seq.) and the California Public Records Act (Gov. Code, §
9 6250 et seq.) and must be interpreted consistently with the
10 interpretation applied to the terms under those acts.

11
12 (2) This rule does not require the disclosure of a record if the record is
13 exempt from disclosure under this rule or is the type of record that
14 would not be subject to disclosure under the Legislative Open Records
15 Act or the California Public Records Act.

16
17 **(e) Public access**

18
19 (1) Access

20
21 (A) A judicial branch entity must allow inspection and copying of
22 judicial administrative records unless the records are exempt from
23 disclosure under this rule or by law.

24
25 (B) Nothing in this rule requires a judicial branch entity to create any
26 record or to compile or assemble data in response to a request for
27 judicial administrative records if the judicial branch entity does
28 not compile or assemble the data in the requested form for its own
29 use or for provision to other agencies. For purposes of this rule,
30 selecting data from extractable fields in a single database using
31 software already owned or licensed by the judicial branch entity
32 does not constitute creating a record or compiling or assembling
33 data.

34
35 (C) If a judicial administrative record contains information that is
36 exempt from disclosure and the exempt portions are reasonably
37 segregable, a judicial branch entity must allow inspection and
38 copying of the record after deletion of the portions that are
39 exempt from disclosure. A judicial branch entity is not required to
40 allow inspection or copying of the portion of a writing that is a
41 judicial administrative record unless that portion is reasonably
42 segregable from the portion that constitutes an adjudicative
43 record.

1
2 (D) If requested, a superior court must provide a copy of the certified
3 judicial administrative record if the judicial administrative record
4 requested has previously been certified by the superior court.
5

6 (2) *Examples*
7

8 Judicial administrative records subject to inspection and copying unless
9 exempt from disclosure under subdivision (f) include, but are not
10 limited to, the following:
11

12 (A) Budget information submitted to the Administrative Office of the
13 Courts after enactment of the annual Budget Act;

14 (B) Any other budget and expenditure document pertaining to the
15 administrative operation of the courts, including quarterly
16 financial statements and statements of revenue, expenditure, and
17 reserves;
18

19 (C) Actual and budgeted employee salary and benefit information;
20

21 (D) Copies of executed contracts with outside vendors and payment
22 information and policies concerning goods and services provided
23 by outside vendors without an executed contract;
24

25 (E) Final audit reports; and
26

27 (F) Employment contracts between judicial branch entities and their
28 employees.
29

30 (3) *Procedure for requesting records*
31

32 A judicial branch entity must make available on its public Web site or
33 otherwise publicize the procedure to be followed to request a copy of or
34 to inspect a judicial administrative record. At a minimum, the
35 procedure must include the address to which requests are to be
36 addressed, to whom requests are to be directed, and the office hours of
37 the judicial branch entity.
38

39 (4) *Costs of duplication, search, and review*
40

41 (A) A judicial branch entity, on request, must provide a copy of a
42 judicial administrative record not exempt from disclosure if the
43 record is of a nature permitting copying, subject to payment of the

1 fee specified in this rule or other applicable statutory fee. A
2 judicial branch entity may require advance payment of any fee.

3
4 (B) A judicial branch entity may impose on all requests a fee
5 reasonably calculated to cover the judicial branch entity's direct
6 costs of duplication of a record or of production of a record in an
7 electronic format under subdivision (i). The fee includes:

8
9 (i) A charge per page, per copy, or otherwise, as established
10 and published by the Judicial Council, or as established by
11 the judicial branch entity following a notice and comment
12 procedure specified by the Judicial Council, representing the
13 direct costs of equipment, supplies, and staff time required
14 to duplicate or produce the requested record; and

15
16 (ii) Any other direct costs of duplication or production,
17 including, but not limited to, the costs incurred by a judicial
18 branch entity in retrieving the record from a remote storage
19 facility or archive and the costs of mailing responsive
20 records.

21
22 (C) In the case of requests for records for commercial use, a judicial
23 branch entity may impose, in addition to the fee in (B), a fee
24 reasonably calculated to cover the actual costs of staff search and
25 review time, based on an hourly rate for salary and benefits of
26 each employee involved.

27
28 (D) For purposes of this rule:

29
30 (i) "Commercial use" means a request for a use or purpose that
31 furtheres the commercial, trade, or profit interests of the
32 requester or the person on whose behalf the request is being
33 made. A request from a representative of the news media
34 that supports its news-dissemination function is not a
35 request for a commercial use.

36
37 (ii) "Representative of the news media" means a person who
38 regularly gathers, prepares, collects, photographs, records,
39 writes, edits, reports, or publishes news or information that
40 concerns local, national, or international events or other
41 matters of public interest for dissemination to the public for
42 a substantial portion of the person's livelihood or for
43 substantial financial gain.

1
2 (iii) “Search and review time” means actual time spent
3 identifying and locating judicial administrative records,
4 including material within documents, responsive to a
5 request; determining whether any portions are exempt from
6 disclosure; and performing all tasks necessary to prepare the
7 records for disclosure, including redacting portions exempt
8 from disclosure. “Search and review time” does not include
9 time spent resolving general legal or policy issues regarding
10 the applicability of particular exemptions.

11
12 (E) By January 1, 2012, the Judicial Council will review and evaluate
13 the numbers of requests received, the time necessary to respond,
14 and the fees imposed by judicial branch entities for access to
15 records and information. The Judicial Council’s review will
16 consider the impact of this rule on both the public’s access to
17 records and information and on judicial branch entities’ ability to
18 carry out and fund core judicial operations.

19
20 (5) Inspection

21 A judicial branch entity must make judicial administrative records in its
22 possession and not exempt from disclosure open to inspection at all
23 times during the office hours of the judicial branch entity provided that
24 the record is of a nature permitting inspection.

25
26
27 (6) Time for determination of disclosable records

28
29 A judicial branch entity, on a request that reasonably describes an
30 identifiable record or records, must determine, within 10 calendar days
31 from receipt of the request, whether the request, in whole or in part,
32 seeks disclosable judicial administrative records in its possession and
33 must promptly notify the requesting party of the determination and the
34 reasons for the determination.

35
36 (7) Response

37
38 If a judicial branch entity determines that a request seeks disclosable
39 judicial administrative records, the judicial branch entity must make the
40 disclosable judicial administrative records available promptly. The
41 judicial branch entity must include with the notice of the determination
42 the estimated date and time when the records will be made available. If
43 the judicial branch entity determines that the request, in whole or in
44 part, seeks nondisclosable judicial administrative records, it must

1 convey its determination in writing, include a contact name and
2 telephone number to which inquiries may be directed, and state the
3 express provision of this rule justifying the withholding of the records
4 not disclosed.

5
6 (8) Extension of time for determination of disclosable records

7
8 In unusual circumstances, to the extent reasonably necessary to the
9 proper processing of the particular request, a judicial branch entity may
10 extend the time limit prescribed for its determination under (e)(6) by no
11 more than 14 calendar days by written notice to the requesting party,
12 stating the reasons for the extension and the date on which the judicial
13 branch entity expects to make a determination. As used in this section,
14 “unusual circumstances” means the following:

15
16 (A) The need to search for and collect the requested records from
17 multiple locations or facilities that are separate from the office
18 processing the request;

19
20 (B) The need to search for, collect, and appropriately examine a
21 voluminous amount of records that are included in a single
22 request; or

23
24 (C) The need for consultation, which must be conducted with all
25 practicable speed, with another judicial branch entity or other
26 governmental agency having substantial subject matter interest in
27 the determination of the request, or with two or more components
28 of the judicial branch entity having substantial subject matter
29 interest in the determination of the request.

30
31 (9) Reasonable efforts

32
33 (A) On receipt of a request to inspect or obtain a copy of a judicial
34 administrative record, a judicial branch entity, in order to assist
35 the requester in making a focused and effective request that
36 reasonably describes an identifiable judicial administrative record,
37 must do all of the following to the extent reasonable under the
38 circumstances:

39
40 (i) Assist the requester in identifying records and information
41 responsive to the request or to the purpose of the request, if
42 stated;
43

- 1 (ii) Describe the information technology and physical location
2 in which the records exist; and
3
4 (iii) Provide suggestions for overcoming any practical basis for
5 denying inspection or copying of the records or information
6 sought.
7

8 (B) The requirements of (A) will be deemed to have been satisfied if
9 the judicial branch entity is unable to identify the requested
10 information after making a reasonable effort to elicit additional
11 clarifying information from the requester that helps identify the
12 record or records.
13

14 (C) The requirements of (A) do not apply to a request for judicial
15 administrative records if the judicial branch entity makes the
16 requested records available or determines that the requested
17 records are exempt from disclosure under this rule.
18

19 (10) *No obstruction or delay*
20

21 Nothing in this rule may be construed to permit a judicial branch entity
22 to delay or obstruct the inspection or copying of judicial administrative
23 records that are not exempt from disclosure.
24

25 (11) *Greater access permitted*
26

27 Except as otherwise prohibited by law, a judicial branch entity may
28 adopt requirements for itself that allow for faster, more efficient, or
29 greater access to judicial administrative records than prescribed by the
30 requirements of this rule.
31

32 (12) *Control of records*
33

34 A judicial branch entity must not sell, exchange, furnish, or otherwise
35 provide a judicial administrative record subject to disclosure under this
36 rule to a private entity in a manner that prevents a judicial branch entity
37 from providing the record directly under this rule. A judicial branch
38 entity must not allow a private entity to control the disclosure of
39 information that is otherwise subject to disclosure under this rule.
40

1 **(f) Exemptions**

2
3 Nothing in this rule requires the disclosure of judicial administrative records
4 that are any of the following:

- 5
6 (1) Preliminary writings, including drafts, notes, working papers, and
7 inter-judicial branch entity or intra-judicial branch entity memoranda,
8 that are not retained by the judicial branch entity in the ordinary course
9 of business, if the public interest in withholding those records clearly
10 outweighs the public interest in disclosure;
- 11
12 (2) Records pertaining to pending or anticipated claims or litigation to
13 which a judicial branch entity is a party or judicial branch personnel are
14 parties, until the pending litigation or claim has been finally adjudicated
15 or otherwise resolved;
- 16
17 (3) Personnel, medical, or similar files, or other personal information
18 whose disclosure would constitute an unwarranted invasion of personal
19 privacy, including, but not limited to, records revealing home
20 addresses, home telephone numbers, cellular telephone numbers,
21 private electronic mail addresses, and social security numbers of
22 judicial branch personnel and work electronic mail addresses and work
23 telephone numbers of justices, judges (including temporary and
24 assigned judges), subordinate judicial officers, and their staff attorneys;
- 25
26 (4) Test questions, scoring keys, and other examination data used to
27 develop, administer, and score examinations for employment,
28 certification, or qualification;
- 29
30 (5) Records whose disclosure is exempted or prohibited under state or
31 federal law, including provisions of the California Evidence Code
32 relating to privilege, or by court order in any court proceeding;
- 33
34 (6) Records whose disclosure would compromise the security of a judicial
35 branch entity or the safety of judicial branch personnel, including but
36 not limited to, court security plans, and security surveys, investigations,
37 procedures, and assessments;
- 38
39 (7) Records related to evaluations of, complaints regarding, or
40 investigations of justices, judges (including temporary and assigned
41 judges), subordinate judicial officers, and applicants or candidates for
42 judicial office;
- 43

1 (8) The contents of real estate appraisals or engineering or feasibility
2 estimates and evaluations made for or by the judicial branch entity
3 related to the acquisition of property or to prospective public supply
4 and construction contracts, until all of the property has been acquired or
5 the relevant contracts have been executed. This provision does not
6 affect the law of eminent domain;
7

8 (9) Records related to activities governed by Government Code sections
9 71600 et seq. and 71800 et seq. that reveal deliberative processes,
10 impressions, evaluations, opinions, recommendations, meeting minutes,
11 research, work products, theories, or strategy or that provide
12 instruction, advice, or training to employees who are not represented by
13 employee organizations under those sections. Nothing in this
14 subdivision limits the disclosure duties of a judicial branch entity with
15 respect to any other records relating to the activities governed by the
16 employee relations acts referred to in this subdivision;
17

18 (10) Records that contain trade secrets or privileged or confidential
19 commercial and financial information submitted in response to a
20 judicial branch entity’s solicitation for goods or services or in the
21 course of a judicial branch entity’s contractual relationship with a
22 commercial entity. For purposes of this rule:
23

24 (A) “Trade secret” means information, including a formula, pattern,
25 compilation, program, device, method, technique, or process, that:
26

27 (i) Derives independent economic value, actual or potential,
28 from not being generally known to the public or to other
29 persons who can obtain economic value from its disclosure
30 or use; and
31

32 (ii) Is the subject of efforts that are reasonable under the
33 circumstances to maintain its secrecy;
34

35 (B) “Privileged information” means material that falls within
36 recognized constitutional, statutory, or common law privileges;
37

38 (C) “Confidential commercial and financial information” means
39 information whose disclosure would:
40

41 (i) Impair the judicial branch entity’s ability to obtain necessary
42 information in the future; or
43

1 (ii) Cause substantial harm to the competitive position of the
2 person from whom the information was obtained.

3
4 (11) Records whose disclosure would disclose the judicial branch entity's or
5 judicial branch personnel's decision-making process, provided that, on
6 the facts of the specific request for records, the public interest served by
7 nondisclosure clearly outweighs the public interest served by disclosure
8 of the record; or

9
10 (12) If, on the facts of the specific request for records, the public interest
11 served by nondisclosure of the record clearly outweighs the public
12 interest served by disclosure of the record.

13
14 **(g) Computer software; copyrighted materials**

15
16 (1) Computer software developed by a judicial branch entity or used by a
17 judicial branch entity for the storage or manipulation of data is not a
18 judicial administrative record under this rule. For purposes of this rule
19 "computer software" includes computer mapping systems, computer
20 graphic systems, and computer programs, including the source, object,
21 and other code in a computer program.

22
23 (2) This rule does not limit a judicial branch entity's ability to sell, lease, or
24 license computer software for commercial or noncommercial use.

25
26 (3) This rule does not create an implied warranty on the part of any judicial
27 branch entity for errors, omissions, or other defects in any computer
28 software.

29
30 (4) This rule does not limit any copyright protection. A judicial branch
31 entity is not required to duplicate records under this rule in violation of
32 any copyright.

33
34 (5) Nothing in this subdivision is intended to affect the judicial
35 administrative record status of information merely because the
36 information is stored in a computer. Judicial administrative records
37 stored in a computer will be disclosed as required in this rule.

38
39 **(h) Waiver of exemptions**

40
41 (1) Disclosure of a judicial administrative record that is exempt from
42 disclosure under this rule or provision of law by a judicial branch entity
43 or judicial branch personnel acting within the scope of their office or

1 employment constitutes a waiver of the exemptions applicable to that
2 particular record.

3
4 (2) This subdivision does not apply to disclosures:

5
6 (A) Made through discovery proceedings;

7
8 (B) Made through other legal proceedings or as otherwise required by
9 law;

10
11 (C) Made to another judicial branch entity or judicial branch
12 personnel for the purposes of judicial branch administration;

13
14 (D) Within the scope of a statute that limits disclosure of specified
15 writings to certain purposes; or

16
17 (E) Made to any governmental agency or to another judicial branch
18 entity or judicial branch personnel if the material will be treated
19 confidentially.

20
21 **(i) Availability in electronic format**

22
23 (1) A judicial branch entity that has information that constitutes an
24 identifiable judicial administrative record not exempt from disclosure
25 under this rule and that is in an electronic format must, on request,
26 produce that information in the electronic format requested, provided
27 that:

28
29 (A) No law prohibits disclosure;

30
31 (B) The record already exists in the requested electronic format, or the
32 judicial branch entity has previously produced the judicial
33 administrative record in the requested format for its own use or
34 for provision to other agencies;

35
36 (C) The requested electronic format is customary or standard for
37 records of a similar type and is commercially available to private
38 entity requesters; and

39
40 (D) The disclosure does not jeopardize or compromise the security or
41 integrity of the original record or the computer software on which
42 the original record is maintained.

1 (2) In addition to other fees imposed under this rule, the requester will bear
2 the direct cost of producing a record if:

3
4 (A) In order to comply with (1), the judicial branch entity would be
5 required to produce a record and the record is one that is produced
6 only at otherwise regularly scheduled intervals or;

7
8 (B) Producing the requested record would require data compilation or
9 extraction or any associated programming that the judicial branch
10 entity is not required to perform under this rule but has agreed to
11 perform in response to the request.

12
13 (3) Nothing in this subdivision shall be construed to require a judicial
14 branch entity to reconstruct a record in an electronic format if the
15 judicial branch entity no longer has the record available in an electronic
16 format.

17
18 **(j) Public access disputes**

19
20 (1) Unless the petitioner elects to proceed under (2) below, disputes and
21 appeals of decisions with respect to disputes with the Judicial Council,
22 Administrative Office of the Courts, or a superior court regarding
23 access to budget and management information required to be
24 maintained under rule 10.501 are subject to the process described in
25 rule 10.803.

26
27 (2) Any person may institute proceedings for injunctive or declarative
28 relief or writ of mandate in any court of competent jurisdiction to
29 enforce his or her right to inspect or to receive a copy of any judicial
30 administrative record under this rule.

31
32 (3) Whenever it is made to appear by verified petition that a judicial
33 administrative record is being improperly withheld from disclosure, the
34 court with jurisdiction will order the judicial branch entity to disclose
35 the records or show cause why it should not do so. The court will
36 decide the case after examining the record (in camera if appropriate),
37 papers filed by the parties, and any oral argument and additional
38 evidence as the court may allow.

39
40 (4) If the court finds that the judicial branch entity's decision to refuse
41 disclosure is not justified under this rule, the court will order the
42 judicial branch entity to make the record public. If the court finds that

1 the judicial branch entity’s decision was justified, the court will issue
2 an order supporting the decision.

3
4 (5) An order of the court, either directing disclosure or supporting the
5 decision of the judicial branch entity refusing disclosure, is not a final
6 judgment or order within the meaning of Code of Civil Procedure
7 section 904.1 from which an appeal may be taken, but will be
8 immediately reviewable by petition to the appellate court for the
9 issuance of an extraordinary writ. Upon entry of an order under this
10 subdivision, a party must, in order to obtain review of the order, file a
11 petition within 20 days after service of a written notice of entry of the
12 order or within such further time not exceeding an additional 20 days as
13 the court may for good cause allow. If the notice is served by mail, the
14 period within which to file the petition will be extended by 5 days. A
15 stay of an order or judgment will not be granted unless the petitioning
16 party demonstrates it will otherwise sustain irreparable damage and
17 probable success on the merits. Any person who fails to obey the order
18 of the court will be cited to show cause why that is not in contempt of
19 court.

20
21 (6) The court will award court costs and reasonable attorney fees to the
22 plaintiff should the plaintiff prevail in litigation filed under this
23 subdivision. The costs and fees will be paid by the judicial branch
24 entity and will not become a personal liability of any individual. If the
25 court finds that the plaintiff’s case is clearly frivolous, it will award
26 court costs and reasonable attorney fees to the judicial branch entity.

27
28 *Rule 10.500 adopted effective January 1, 2010.*

29
30 Advisory Committee Comment

31
32 **Subdivision (a).** By establishing a public access rule applicable to all judicial administrative
33 records, the proposed rule would expand public access to these records. The Judicial Council
34 recognizes the important public interest in access to records and information relating to the
35 administration of the judicial branch. The Judicial Council also recognizes the importance of the
36 privacy rights of individuals working in or doing business with judicial branch entities and the
37 public’s interest in an effective and independent judicial branch of state government. The report
38 on this rule includes the Judicial Council’s findings on the impact of this rule on these interests,
39 and how these interests are protected by the rule.

40
41 **Subdivisions (b)(1) and (b)(2).** This rule does not apply to adjudicative records, and is not
42 intended to modify existing law regarding public access to adjudicative records. California case
43 law has established that, in general, subject to specific statutory exceptions, case records that
44 accurately and officially reflect the work of the court are public records open to inspection.
45 (Estate of Hearst (1977) 67 Cal.App.3d 777, 782–83.) However, documents prepared in the

1 course of adjudicative work and not regarded as official case records, such as preliminary drafts,
2 personal notes, and rough records of proceedings, are not subject to public access because the
3 perceived harm to the judicial process by requiring this material to be available to the public is
4 greater than the benefit the public might derive from its disclosure. (*Copley Press, Inc. v.*
5 *Superior Court* (1992) 6 Cal.App.4th 106.)

6
7 **Subdivision (c)(2).** The application of this rule is intended to reflect existing case law under the
8 California Public Records Act that exempts from the definition of “public record” certain types of
9 personal records and information. The concept was first discussed in the California Assembly and
10 establishes that if personal correspondence and information are “unrelated to the conduct of the
11 people’s business” they are therefore not public records. (*San Gabriel Tribune v. Superior Court*
12 (1983) 143 Cal.App.3d 762, 774, citing Assembly Committee on Statewide Information Policy
13 California Public Records Act of 1968, section B, page 9, Appendix to Assembly Journal (1970
14 Reg. Sess.)) Case law has further established that only records necessary or convenient to the
15 discharge of official duty, or kept as necessary or convenient to the discharge of official duty, are
16 public records for the purposes of the California Public Records Act and its predecessors. (*Braun*
17 *v. City of Taft* (1984) 154 Cal.App.3d 332; *City Council of Santa Monica v. Superior Court*
18 (1962) 204 Cal.App.2d 68.)

19
20 **Subdivision (e)(4).** The fees charged by a judicial branch entity under this rule are intended to
21 allow the entity to recover an amount not to exceed the reasonable costs of responding to a
22 request for records or information. In accordance with existing practice within the judicial branch
23 and the other branches of government, the Judicial Council intends agencies and entities of the
24 executive and legislative branches of the California state government to receive records or
25 information requested from judicial branch entities for the agency’s or entity’s use free of charge.
26 This subdivision is intended to provide, however, that requesters of records or information for the
27 purpose of furthering the requester’s commercial interests will be charged for costs incurred by
28 the judicial branch entity in responding to the request, and that such costs will not be a charge
29 against the budget of the judicial branch of the state General Fund.

30
31 **Subdivision (f)(3).** In addition to the types of records and information exempt from disclosure
32 under the corresponding provision of the California Public Records Act, Government Code
33 section 6254(c), this provision includes a further nonexclusive list of specific information that is
34 exempt under this rule. The rule does not attempt to list each category of information that is
35 specific to judicial branch entities and that may also be exempt under this rule. For example,
36 although they are not specifically listed, this provision exempts from disclosure records
37 maintained by any court or court-appointed counsel administrator for the purpose of evaluating
38 attorneys seeking or being considered for appointment to cases.

39
40 **Subdivision (f)(10).** The definition of “trade secret” restates the definition in Civil Code section
41 3426.1.

42
43 **Subdivision (f)(11).** This subdivision is intended to reflect California law on the subject of the
44 “deliberative process” exemption under the California Public Records Act, which is currently
45 stated in the Supreme Court’s decision in *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d
46 1325 and the later Court of Appeal decisions *California First Amendment Coalition v. Superior*
47 *Court* (1998) 67 Cal.App.4th 159 and *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.

48
49 **Subdivision (j)(1).** Under current rule 10.803 a petitioner may file a writ in a superior court
50 regarding a dispute with a superior court or the Administrative Office of the Courts with respect

1 to disclosure of records and information required to be maintained under current rule 10.802. The
2 writ petition must be heard on an expedited basis and includes a right to an appeal. The statutory
3 authority for the hearing process set forth in current rule 10.803, Government Code section
4 71675(b), does not extend this procedure to other disputes with respect to public access. The rule
5 provides that petitioners with a dispute with any other judicial branch entity, or with respect to
6 records that are not required to be maintained under rule 10.802, may follow the procedure set
7 forth in (j)(2) through (j)(6), which is equivalent to the dispute resolution procedure of the
8 California Public Records Act. A petitioner eligible for the dispute resolution process set out in
9 current rule 10.803 may also elect to proceed with his or her dispute under the procedure set forth
10 in (j)(2) through (j)(6).

13 **Rule 10.501. Maintenance of budget and management information**

15 **(a) Maintenance of information by the superior court**

17 Each superior court must maintain for a period of three years from the close
18 of the fiscal year to which the following relate:

- 20 (1) Official documents of the superior court pertaining to the approved
21 superior court budget allocation adopted by the Judicial Council and
22 actual final year-end superior court revenue and expenditure reports as
23 required in budget procedures issued by the Administrative Office of
24 the Courts to be maintained or reported to the council, including budget
25 allocation, revenue, and expenditure reports;
- 27 (2) Records or other factual management information on matters that are
28 within the scope of representation as defined in Government Code
29 section 71634 unless distribution is otherwise precluded by law; and
- 31 (3) Records or other factual management information on other matters
32 referred to in Government Code section 71634 unless distribution is
33 otherwise precluded by law.

35 **(b) Maintenance of information by the Administrative Office of the Courts**

37 The Administrative Office of the Courts must maintain for a period of three
38 years from the close of the fiscal year to which the following relate:

- 40 (1) Official approved budget allocations for each superior court;
- 42 (2) Actual final year-end superior court revenue and expenditure reports
43 required by budget procedures issued by the Administrative Office of
44 the Courts to be maintained or reported to the council that are received

1 from the courts, including budget revenues and expenditures for each
2 superior court;

3
4 (3) Budget priorities as adopted by the council; and

5
6 (4) Documents concerning superior court budgets considered or adopted by
7 the council at council business meetings on court budgets.

8
9 *Rule 10.501 adopted effective January 1, 2010.*

10
11 **~~Rule 10.802. Maintenance of and public access to budget and management~~**
12 **~~information~~**

13
14 **~~(a) Maintenance of information by the superior court~~**

15
16 ~~Each superior court must maintain for a period of three years from the close~~
17 ~~of the fiscal year to which the following relate:~~

18
19 ~~(1) Official documents of the superior court pertaining to the approved~~
20 ~~superior court budget allocation adopted by the Judicial Council and~~
21 ~~actual final year end superior court revenue and expenditure reports as~~
22 ~~required in budget procedures issued by the Administrative Office of~~
23 ~~the Courts to be maintained or reported to the council, including budget~~
24 ~~allocation, revenue, and expenditure reports;~~

25
26 ~~(2) Records or other factual management information on matters that are~~
27 ~~within the scope of representation as defined in Government Code~~
28 ~~section 71634 unless distribution is otherwise precluded by law; and~~

29
30 ~~(3) Records or other factual management information on other matters~~
31 ~~referred to in Government Code section 71634 unless distribution is~~
32 ~~otherwise precluded by law.~~

33
34 **~~(b) Maintenance of information by the Administrative Office of the Courts~~**

35
36 ~~The Administrative Office of the Courts must maintain for a period of three~~
37 ~~years from the close of the fiscal year to which the following relate:~~

38
39 ~~(1) Official approved budget allocations for each superior court;~~

40
41 ~~(2) Actual final year end superior court revenue and expenditure reports~~
42 ~~required by budget procedures issued by the Administrative Office of~~
43 ~~the Courts to be maintained or reported to the council that are received~~

1 from the courts including budget revenues and expenditures for each
2 superior court;

3
4 (3) Budget priorities as adopted by the council; and

5
6 (4) Documents concerning superior court budgets considered or adopted by
7 the council at council business meetings on court budgets.

8
9 **(e) — Legislative priorities or mandates**

10
11 The information maintained under (a) and (b) must indicate, to the extent
12 known, the legislative requirements the funding is intended to address, if
13 any, and any itemization of the funding allocation by purpose, program or
14 function, and item of expense.

15
16 **(d) — Public access**

17
18 (1) Each superior court must, on written request, make available to the
19 requesting person those documents required to be maintained under (a).

20
21 (2) The Administrative Office of the Courts must, on written request, make
22 available to the requesting person those documents required to be
23 maintained under (b).

24
25 **(e) — Time for response**

26
27 Information requested under this rule must be made available within 10
28 business days of receipt of the written request for information relating to the
29 current or immediate previous fiscal year. Information relating to other fiscal
30 years must be made available within 20 business days of receipt of the
31 written request for information. If the information requested is not within the
32 scope of this rule, the Administrative Office of the Courts or the superior
33 court must so inform the requesting party within 10 business days of receipt
34 of the written request.

35
36 **(f) — Costs**

37
38 The Administrative Office of the Courts and the superior court may charge a
39 reasonable fee to cover any cost of copying any document provided under
40 this rule. The amount of the fee must not exceed the direct cost of
41 duplication. A recognized employee organization and a superior court may
42 provide for a different amount in their memorandum of understanding.

1 ~~(g) — Preparation of reports not required~~

2
3 This rule does not require the Judicial Council, the Administrative Office of
4 the Courts, or any superior court to prepare any budgetary, revenue, or
5 expense report or documentation that is not otherwise expressly required to
6 be prepared by this rule or any other provision of law or rule of court.
7

8 ~~(h) — Effect on other rules~~

9
10 This rule is not intended to repeal, amend, or modify the application of any
11 rule adopted by the council before the effective date of this rule. To the
12 extent that any other rule is contrary to the provisions of this rule, this rule
13 applies.
14

15 ~~(i) — Public Records Act~~

16
17 The information required to be provided by (a) and (b) of this rule must be
18 interpreted consistently with the requirement that the same information be
19 provided under the Public Records Act (beginning with Government Code
20 section 6250), and the terms have the same meaning as under that act. This
21 rule does not require the disclosure of information that would not be subject
22 to disclosure under that act.
23

24 ~~(j) — Internal memoranda~~

25
26 Nothing in this rule requires disclosure of internal memoranda unless
27 otherwise required by law.
28

29 ~~(k) — Rights of exclusive bargaining agent~~

30
31 Nothing in this rule is intended to restrict the rights to disclosure of
32 information otherwise granted by law to a recognized employee
33 organization.
34

35 ~~(l) — Informational sessions~~

36
37 The Administrative Office of the Courts will provide informational sessions
38 and materials on superior court budgets for the general public and designated
39 employee representatives. The information will include the following areas,
40 among others:
41

- 1 (1) ~~Description and timing of the budget development process, including~~
2 ~~decisions made at each phase of the cycle, and how budget priorities~~
3 ~~are determined;~~
4
5 (2) ~~Availability of budget information, including the type of information~~
6 ~~available, when it is available, and how it can be obtained; and~~
7
8 (3) ~~The authority of a superior court to reallocate funds between budget~~
9 ~~program components.~~

10
11 *Rule 10.802 repealed effective January 1, 2010; adopted as rule 6.702 effective January 1, 2001;*
12 *previously amended effective July 1, 2001, July 1, 2002, and January 1, 2004; previously*
13 *amended and renumbered effective January 1, 2007.*

14
15
16 **Rule 10.803. Information access disputes—writ petitions (Gov. Code,**
17 **§ 71675)**

18
19 **(a) Availability**

20
21 This rule applies to petitions filed under rule 10.500(j)(1) and Government
22 Code section 71675(b).

23
24 *(Subd (a) amended effective January 1, 2010; previously amended effective January 1,*
25 *2007.)*

26
27 **(b) Assignment of Court of Appeal justice to hear the petition**

- 28
29 (1) The petition must state the following on the first page, below the case
30 number, in the statement of the character of the proceeding (see rule
31 2.111(6)):

32
33 “Writ petition filed under rule 10.500(j)(1) and Government Code
34 section 71675—Assignment of Court of Appeal justice required.”

- 35
36 (2) When the petition is filed, the clerk of the court must immediately
37 request of the ~~Judicial Assignments Unit of the Administrative Office~~
38 ~~of the Courts~~ Chief Justice the assignment of a hearing judge from the
39 panel established under (e).
40
41 (3) If an assignment is made, the judge assigned to hear the petition in the
42 superior court must be a justice from a Court of Appeal for a district
43 other than the district for that superior court.
44

1 (Subd (b) amended effective January 1, 2010; previously amended effective January 1,
2 2007.)

3
4
5 (c) * * *

6
7 (d) **Appeal**

8
9 An appeal of the superior court decision must be heard and decided on an
10 expedited basis in the Court of Appeal for the district in which the petition
11 was heard and must be given priority over other matters to the extent
12 permitted by law and the rules of court. The notice of appeal must state the
13 following on the first page, below the case number, in the statement of the
14 character of the proceeding (see rule 2.111(6)):

15
16 “Notice of Appeal on Writ Petition filed under rule 10.500(j)(1) and
17 Government Code section 71675—Expedited Processing Requested.”

18
19 (Subd (c) amended effective January 1, 2010; previously amended effective January 1,
20 2007.)

21
22 (e) * * *

23
24 *Rule 10.803 amended effective January 1, 2010; adopted as rule 6.710 effective October 15,*
25 *2004; previously amended and renumbered effective January 1, 2007.*
26