



2004 California Rules of Court

Rule 6.620. Public access to administrative decisions of trial courts

(a) [Interpretation] The provisions of this rule concern public access to administrative decisions by trial courts as provided in this rule. This rule does not modify existing law regarding public access to the judicial deliberative process and does not apply to the adjudicative functions of the trial courts or the assignment of judges.

(b) [Budget priorities] The Judicial Branch Budget Advisory Committee (JBBAC) may request, on 30 court day's notice, recommendations from the trial courts concerning judicial branch budget priorities. JBBAC's notice must state that if a trial court is to make recommendations to the committee, the trial court must also give notice, as provided in subdivision (g), that interested members of the public may send input to the JBBAC.

(c) [Budget requests] Prior to making recommendations, if any, to the Judicial Council on items to be included in the judicial branch budget that is submitted annually to the Governor and the Legislature, a trial court must seek input from the public, as provided in subdivision (e), on what should be included in the recommendations.

(d) [Other decisions requiring public input] Each trial court must seek input from the public, as provided in subdivision (e), prior to making the following decisions:

(1) A request for permission from the Administrative Office of the Courts to reallocate budget funds from one program component to another in an amount greater than \$400,000 or 10 percent of the total trial court budget, whichever is greater.

(2) The execution of a contract without competitive bidding in an amount greater than \$400,000 or 10 percent of the total trial court budget, whichever is greater. This subdivision does not apply to a contract entered into between a court and a county that is provided for by statute.

(3) The planned, permanent closure of any court location for an entire day or for more than one-third of the hours the court location was previously open for either court sessions or filing of papers. As used in this subdivision, planned closure does not include closure of a location on a temporary basis for reasons including but not limited to holidays, illness, or other unforeseen lack of personnel, or public safety.

(4) The cessation of any of the following services at a court location: (i) the Family Law Facilitator or (ii) the Family Law Information Center.

(e) [Manner of seeking public input] When a trial court is required to seek public input under this rule, it must provide public notice of the request at least 15 court days prior to the date on which the decision is to be made or the action is to be taken. Notice must be given as provided in subdivision (g). Any interested person or entity who wishes to comment must send the comment to the court in writing or electronically unless the court requires that all public comment be sent either by e-mail or through a response system on the court's Web site. For good cause, in the event an urgent action is required, a trial court may take immediate action if it (1) gives notice of the action as provided in subdivision (f), (2) states the reasons for urgency, and (3) gives any public input received to the person or entity making the decision.

(f) [Information about other trial court administrative matters] A trial court must provide notice, not later than 15 court days after the event, of the following:

(1) Receipt of the annual allocation of the trial court budget from the Judicial Council after enactment of the Budget Act.

(2) The awarding of a grant to the trial court that exceeds the greater of \$400,000 or 10 percent of the total trial court budget.

(3) The solicitation of proposals or the execution of a contract that exceeds the greater of \$400,000 or 10 percent of the trial court budget.

(4) A significant permanent increase in the number of hours that a court location is open during any day for either court sessions or filing of papers. As used in this subdivision, a significant increase does not include an emergency or one-time need to increase hours.

(5) A significant permanent decrease in the number of hours that a court location is open during any day for either court sessions or filing of papers, except those governed by subdivision (d)(3). As used in this subdivision, a significant decrease does not include a decrease in response to an emergency need to close a location on a temporary basis for reasons including, but not limited to, illness or other unforeseen lack of personnel or public safety.

(6) The action taken on any item for which input from the public was required under subdivision (d). The notice must show the person or persons who made the decision and a summary of the written and e-mail input received.

(g) [Notice] When notice is required to be given by this rule, it must be given in the following ways:

(1) Posted on the trial court's Web site, if any.

(2) Sent to any of the following persons or entities-subject to the requirements of subdivision (h) -who have requested in writing or by electronic mail to the court executive officer to receive such notice:

(i) A newspaper, radio station, and television station in the county;

(ii) The president of a local or specialty bar association in the county;

- (iii) Representatives of a trial court employees organization;
- (iv) The district attorney, public defender, and county counsel;
- (v) The county administrative officer; and
- (vi) If the court is sending notice electronically using the provisions of subdivision (h), any other person or entity that submits an electronic mail address to which the notice will be sent.

(3) Posted at all locations of the court that accept papers for filing.

(h) [Electronic notice] A trial court may require a person or entity that is otherwise entitled to receive notice under subdivision (g)(2) to submit an electronic mail address to which the notice will be sent.

(i) [Materials] When a trial court is required to seek public input under subdivision (b), (c), or (d), it must also provide for public viewing at one or more locations in the county of any written factual materials that have been specifically gathered or prepared for the review at the time of making the decision of the person or entity making the decision. This subdivision does not require the disclosure of materials that are otherwise exempt from disclosure or would be exempt from disclosure under the state Public Records Act (beginning with section 6250 of the Government Code). The materials must be mailed or otherwise be made available not less than five court days before the decision is to be made except if the request is made within the five court days before the decision is to be made, the materials must be mailed or otherwise be made available the next court day after the request is made. A court must either (1) provide copies to a person or entity that requests copies of these materials in writing or electronic mail to the executive officer of the court or other person designated by the executive office in the notice, if the requesting person or entity pays all mailing and copying costs as determined by any mailing and copy cost recovery policies established by the trial court or (2) make all materials available electronically either on its Web-site or by e-mail. This subdivision does not require the trial court to prepare reports. A person seeking documents may request the court to hold the material for pickup by that person in lieu of mailing.

(j) [Other requirements] This rule does not affect any other obligations of the trial court including, but not limited to, any obligation to meet and confer with designated employee representatives. This rule does not change the procedures a court must otherwise follow in entering into a contract nor change the types of matters for which a court may contract.

(k) [Enforcement] This rule may be enforced under Code of Civil Procedure section 1085.

Rule 6.620 adopted effective January 1 2004