

1 Rule 4-202.07. Appeals.

2 Intent:

3 To establish the rights and procedures in an appeal of a record request.

4 Applicability:

5 This rule applies to requests to access or to classify a court record other than a motion under  
6 Rule 4-202.04.

7 Statement of the Rule:

8 (1) A person requesting access to a court record may appeal a denial of the request, a claim  
9 of extraordinary circumstances or the time claimed necessary to address the extraordinary  
10 circumstances. A person requesting that a court record be classified as private or protected may  
11 appeal a denial of the request. A person whose interests are protected by closure may appeal a  
12 decision to permit access to a court record. An appeal shall be made in writing within 30 days  
13 after the decision giving rise to the appeal. A person described in this subsection may petition for  
14 judicial review as provided by statute.

15 (2) If the original request was to the custodian of the record, the appeal is to the state court  
16 administrator. If the original request was to the state court administrator, the appeal is to the  
17 Management Committee of the Judicial Council. The appeal of a decision by the state court  
18 administrator is to the Management Committee.

19 (3) The notice of appeal shall contain the appellant's name, mailing address, daytime  
20 telephone number, the relief sought, and a statement of facts, authority and argument in support  
21 of the appeal.

22 (4) An appeal to the state court administrator is deemed denied unless a decision on the  
23 appeal is mailed within 5 business days after receiving the appeal or within 15 business days  
24 after mailing notice under Rule 4-202.05(2)(B). An appeal to the Management Committee is  
25 deemed denied unless a decision on the appeal is mailed within 5 business days after the first  
26 meeting of the Committee held more than 15 business days after receiving the appeal.

27 (5) The state court administrator shall mail notice of the Management Committee meeting to  
28 all participants at least 10 business days before the meeting. At least 7 business days before the  
29 meeting, all participants shall mail to the state court administrator and to the other participants a  
30 written statement of facts, authority and argument in support of or opposition to the appeal. The  
31 Management Committee may permit any person whose interests are substantially affected by a

32 decision to participate. The deliberations of the Management Committee are closed, but the  
33 balance of the hearing on the appeal is an open and public meeting of which notice will be given  
34 in accordance with Rule 2-103.

35 (6) The Management Committee shall allow the participants a reasonable opportunity to  
36 present facts, authority and argument in support of or opposition to the appeal. The order of  
37 presentation shall be decided by the Management Committee. The Management Committee may  
38 review the record in a closed meeting. Discovery is prohibited, but the Management Committee  
39 may compel the production of evidence.

40 (7) The state court administrator shall mail the decision on an appeal to all participants. The  
41 decision shall:

42 (7)(A) describe the record or portions of the record to which access is denied in a manner that  
43 does not disclose information other than public information;

44 (7)(B) refer to the authority under which the request is being denied;

45 (7)(C) make findings and conclusions about specific records;

46 (7)(D) identify and balance the interests favoring opening and closing the record; and, if the  
47 record is closed, determine there are no reasonable alternatives to closure sufficient to protect the  
48 interests favoring closure;

49 (7)(E) state that the requester may appeal or seek judicial review; and

50 (7)(F) state the time limits for filing an appeal or petition for judicial review, and the name  
51 and address of the person to whom the appeal or petition must be directed.

52 (8) The time periods in this rule may be extended by mutual agreement. A document required  
53 to be sent by mail may be sent by email, fax or hand-delivery. The duties of the state court  
54 administrator may be delegated.