

# Judicial Council Report

December 7, 2009

## ATTACHMENT A

### Rule 10.500. Public access to judicial administrative records Fee Guidelines

(a) For purposes of rule 10.500(e)(4), the direct costs of equipment, supplies, and staff time required to duplicate or produce the requested record are established as follows:

- (i) Paper duplication of any record on 8½-by-11-inch or 8½-by-14-inch paper, including transfer of a record in electronic format to paper of these sizes if required for the response—10 cents per page; and
- (ii) Production of a record in electronic format, or paper duplication of any record on paper sizes other than as described in (i)—actual direct costs incurred by the judicial branch entity.

(b) In lieu of the costs established in (a), a judicial branch entity may establish its own direct costs of equipment, supplies, and staff time required to duplicate or produce the requested record under rule 10.500 if it determines that a different amount represents its direct costs for these items and then posts the proposed fee for these costs for public comment for a minimum of four weeks. On completion of the notice and comment period, the costs established by the judicial branch entity under this procedure will be effective following notice to the Judicial Council of the costs established.

(c) A trial court may request reimbursement from funding provided by the Administrative Office of the Courts to assist in mitigating the impact of rules 10.500 and 10.501 on the operating costs of judicial branch entities as follows:

- (i) The Administrative Office of the Courts will reimburse trial courts for the actual direct costs, calculated on an hourly basis, of search and review time of personnel in excess of two hours per request that is spent on requests for records for other than commercial use, up to a maximum hourly rate established by the Administrative Office of the Courts based on the average statewide hourly rate for salary and benefits of a mid-step Legal Process Clerk.
- (ii) The Administrative Office of the Courts will make reimbursement under these Fee Guidelines up to the aggregate total amount of \$1,500,000 and will reimburse trial courts for properly substantiated claims under the procedure established by the Administrative Director or his delegee.