

1 **Rule 4-202.07. Appeals.**

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3 Intent:

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

5 Applicability:

6 This rule applies to requests to access or to classify a court record other than a motion under Rule
7 4-202.04.

8 Statement of the Rule:

9 (1) A person requesting access to a court record may appeal a denial of the request, a response that the
10 record does not exist or is not maintained by the court, a claim of extraordinary circumstances or the time
11 claimed necessary to address the extraordinary circumstances. A person requesting that a court record be
12 classified as private or protected may appeal a denial of the request. A person whose interests are
13 protected by closure may appeal a decision to permit access to a court record. An appeal shall be made in
14 writing within ~~30~~28 days after the decision giving rise to the appeal. A person described in this subsection
15 may petition for judicial review as provided by statute.

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

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

22 (4) An appeal to the state court administrator is deemed denied unless a decision on the appeal is mailed
23 within ~~5~~ 14 days after receiving the appeal or within ~~15 business~~ 21 days after mailing notice under Rule
24 4-202.05(2)(B). An appeal to the Management Committee is deemed denied unless a decision on the
25 appeal is mailed within ~~5~~ 14 days after the first meeting of the Committee held more ~~that than~~ 15-
26 ~~business~~ 21 days after receiving the appeal.

27 (5) The state court administrator shall mail notice of the Management Committee meeting to all
28 participants at least ~~40 business~~ 14 days before the meeting. At least ~~7 business~~ days before the meeting,
29 all participants shall mail to the state court administrator and to the other participants a written statement
30 of facts, authority and argument in support of or opposition to the appeal. The Management Committee
31 may permit any person whose interests are substantially affected by a decision to participate. The
32 deliberations of the Management Committee are closed, but the balance of the hearing on the appeal is
33 an open and public meeting of which notice will be given in accordance with Rule 2-103.

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

- 38 (7) The state court administrator shall mail the decision on an appeal to all participants. The decision shall:
39 (7)(A) describe the record or portions of the record to which access is denied in a manner that does not
40 disclose information other than public information;
41 (7)(B) refer to the authority under which the request is being denied;
42 (7)(C) make findings and conclusions about specific records;
43 (7)(D) identify and balance the interests favoring opening and closing the record; and, if the record is
44 closed, determine there are no reasonable alternatives to closure sufficient to protect the interests
45 favoring closure;
46 (7)(E) state that the requester may appeal or seek judicial review; and
47 (7)(F) state the time limits for filing an appeal or petition for judicial review, and the name and address of
48 the person to whom the appeal or petition must be directed.
49 (8) The time periods in this rule may be extended by mutual agreement. A document required to be sent
50 by mail may be sent by email, fax or hand-delivery. The duties of the state court administrator may be
51 delegated.