

**COMPARISON OF MAIN PROVISIONS OF BAGLEY-KEENE, STATE BAR OPEN MEETING RULES, AND JUDICIAL COUNCIL OPEN MEETING PROVISIONS**

<b>BAGLEY-KEENE</b>	<b>STATE BAR OPEN/ CLOSED RULES</b>	<b>JUDICIAL COUNCIL OPEN MEETING PROVISIONS</b>
<p><b>Entities Covered:</b> Applies broadly to state boards, commissions, or similar bodies created by statute or executive order, including advisory bodies consisting of 3 or more members. (Gov. Code § 11121.)</p>	<p><b>Entities Covered:</b> The Board, Board Committees and Board-Appointed Committees, as designated by the Board.</p>	<p><b>Entities Covered:</b> “Business Meetings” of the Judicial Council (Cal. Rules of Court, rules 10.5(c), 10.6(a).)</p>
<p><b>Entities Exempt:</b> Judicial branch agencies are exempt from coverage under the Act. (Gov. Code § 11121.1(a).)</p>	<p><b>Entities Exempt:</b> Section 6026.5 acknowledges exemption for judicial branch agencies by allowing closed sessions for joint meetings with Article VI agencies. (Bus. &amp; Prof. Code § 6026.5(h).)</p>	<p><b>Entities Exempt:</b> Internal and advisory committees are not subject to open meeting rules. (Cal. Rules of Court, rules 10.10(d), 10.33.) Internal committee meetings may be open at discretion of committee chair. (Cal. Rules of Court, rule 10.10(d).)</p>
<p><b>Definition of Meeting:</b> Members of the full body may only attend meetings of standing committees of which they are not members as observers—they may not participate. (Gov. Code § 11122.5(c)(6).)</p>	<p><b>Definition of Meeting:</b> Board members who are not members may attend meetings of Board Committees and participate, but not vote. (State Bar Rule 6.50(E)(2).)</p>	<p><b>Definition of Meeting:</b> “Business Meetings” covered by the rules are council meetings at which a majority of voting members are present to discuss and decide matters within the council’s jurisdiction. (Cal. Rules of Court, rule 10.5(c).)</p>
<p><b>Notice:</b> Notice and agenda must be posted on the internet at least 10 days in advance of meeting. (Gov. Code § 11125.)</p>	<p><b>Notice:</b> Notice and agenda must be posted on website and in lobby of SF and LA State Bar offices no fewer than 5 days before meeting. (State Bar Rule 6.51(A)(1).)</p>	<p><b>Notice:</b> Notice and agenda must be posted at AOC and on California Courts Web site at least 7 days before the meeting. (Cal. Rules of Court, rules 10.5(c), 10.5(e).)</p>
<p><b>Emergency Meetings:</b> Emergency meetings may be called without notice, upon majority vote that one of the following exists: work stoppage or crippling disaster that severely impairs public health or safety. (Gov. Code § 11125.5.)</p>	<p><b>Emergency Meetings:</b> Emergency meetings may be called for “those circumstances that call for immediate action before the next regular meeting of the board or board committee.” (State Bar Rule 6.51(B).)</p>	<p><b>Emergency Meetings:</b> Meeting may be conducted without notice “in case of an emergency requiring prompt action.” (Cal. Rules of Court, rule 10.5(c).)</p>

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<p><b>Action on Items Not on Agenda:</b> Action may be taken: in an emergency (see definition above); or with 2/3 vote finding need for immediate action, discovered subsequent to posting the 10 day notice. Need for immediate action items still require 48 hours notice. (Gov. Code § 11125.3.)</p>	<p><b>Action on Items Not on Agenda:</b> Only in emergency (see definition above). (State Bar Rule 6.51(B).)</p>	<p><b>Action on Items Not on Agenda:</b> Doesn't specifically address. Presumably only in emergency.</p>
<p><b>Exceptions for Closed:</b> Exception for pending litigation is narrow and no other exceptions for consultation with counsel are allowed. (Gov. Code § 11126(e).)</p>	<p><b>Exceptions for Closed:</b> Rules allow Board Committees to meet in closed to receive advice of counsel or consider matters privileged under law, in addition to grounds provided for Board by section 6026.5. (State Bar Rule 6.53(A).)</p>	<p><b>Exceptions for Closed:</b> Personnel matters; claims or litigation; contract, labor, or legislative negotiations; purchase, sale or lease of real property; security plans or procedures; allegations of criminal or professional misconduct; and discussions protected by attorney-client privilege. (Cal. Rules of Court, rule 10.6(b).)</p>
<p><b>Public Comment:</b> Allows public to comment on any item on agenda at the time the item is presented. (Gov. Code § 11125.7.)</p>	<p><b>Public Comment:</b> Does not expressly allow public comment. The President and Board Committee Chairs allow public comment in their discretion.</p>	<p><b>Public Comment:</b> Public comment allowed in discretion of Executive and Planning Committee. Unless requirement waived by Chief Justice, request to speak must be submitted 4 days in advance of meeting. (Cal. Rules of Court, rule 10.6(d).)</p>
<p><b>Special Meetings:</b> May only be called for specified purposes where compliance with the 10-day notice provisions would impose a substantial hardship on the body or where immediate action is required to protect the public interest. At least 48 hour notice is required. (Gov. Code § 11125.4.)</p>	<p><b>Special Meetings:</b> May be called by the President or 12 Governors of the Board, or by chairs for Board Committee meetings. 5 day notice requirement applies. (State Bar Rules 6.50(B), 6.51(A)(1).)</p>	<p><b>Special Meetings:</b> Annual schedule of meetings must be published. Additional meetings may be scheduled as necessary. (Cal. Rules of Court, rule 10.5(b).)</p>

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<p><b>Location:</b> Prohibits meetings in any facility that discriminates, is not accessible to persons with disabilities, or where members of the public may not attend without making a payment or purchase. (Gov. Code § 11131.)</p>	<p><b>Location:</b> No comparable provision.</p>	<p><b>Location:</b> No comparable provision.</p>
<p><b>Teleconferencing:</b> Meetings may be held by teleconference. Notice must be given, open portion of meeting must be accessible at each teleconference location, agendas posted at all locations, members of the public allowed to address body at all locations, votes must be taken by roll call. Fax polls are not allowed. (Gov. Code § 11123.)</p>	<p><b>Teleconferencing:</b> Teleconference meetings must include locations at State Bar’s SF and LA offices where public may access the teleconference. Fax polls allowed for emergency meetings where issue can be resolved by unanimous consent without discussion. (State Bar Rules 6.51(A)(2), 6.51(B).)</p>	<p><b>Teleconferencing:</b> No comparable provision. Rules state that advisory committees may meet by teleconference. (Cal. Rules of Court, rule 10.33.)</p>
<p><b>Secret Ballots:</b> Election of officers may not be done by secret ballot. (68 Ops. Cal. Atty. Gen. 65.)</p>	<p><b>Secret Ballots:</b> The election for State Bar President is conducted by secret ballot.</p>	<p><b>Secret Ballots:</b> No provisions regarding secret ballots.</p>
<p><b>Disclosure of Documents:</b> Public records distributed to all or a majority of all of the members of a state body, prior to or during a meeting, must be made available for public inspection. (Gov. Code §11125.1(a), (b).)</p>	<p><b>Disclosure of Documents:</b> Agendas, minutes open meetings, and written materials considered in any discussion or action by the board or board committees during open sessions, are public records. (State Bar Rules 6.54(A).)</p>	<p><b>Disclosure of Documents:</b> Meeting materials may be distributed to attendees in advance of business meeting and may specify that materials are confidential until Council has acted. (Cal. Rules of Court, rule 10.5(g)(1). Budget materials must be posted on California Courts website. (Cal. Rules of Court, rule 10.5(g)(2).)</p> <p>California Rules of Court also contain comprehensive provisions regarding public access to judicial administrative records. (Cal. Rules of Court, rule 10.500.)</p>