

Billionaire's Divorce Deemed No State Secret; The California Supreme Court lets stand a lower court ruling that a politically connected investor can't have his records sealed.

Copyright 2006
The Los Angeles Times

The California Supreme Court on Wednesday denied billionaire investor Ronald W. Burkle's bid to keep his divorce records secret, an action that expands public access to California courts.

The decision, in which the high court declined without comment to hear Burkle's appeal of a lower court ruling, was hailed as a 1st Amendment landmark by media lawyers and feminists.

Kelli L. Sager, a lawyer who represented the media, including The Times, called the case an important one whose outcome would help keep courtroom records, as well as courtroom doors, open to public scrutiny.

"Usually the spouse with the least power may wind up not getting a fair shake. You've got to have this stuff open so everybody can see what's going on," Sager said.

Burkle's lawyer, Patricia L. Glaser, said she had yet to decide whether to appeal.

"We believe that a variety of very private information should not be made available to the public in a divorce proceeding, such as everything from matters that impact children to the division of the economic community," Glaser said.

The sealed records were not made available Wednesday.

The decision effectively overturns a law passed by the Legislature in 2003, after Burkle, a heavy political contributor to legislators and Gov. Arnold Schwarzenegger, lost an effort in a Los Angeles trial court to keep the documents sealed.

That law was struck down earlier this year as unconstitutional. The appellate judges ruled that the Legislature failed to narrowly tailor the law, which restricted access to court records. Under the law, judges were required to honor litigants' requests to seal divorce documents.

The Times and the Associated Press argued that the statute could be used to avoid public scrutiny. Tom Newton, general

counsel for the California Newspaper Publishers Assn., called Wednesday's ruling "a very good decision for women in that public access to records tends to equalize the power in divorce cases."

Burkle, whose father once headed Stater Bros. supermarkets, bought and merged grocery chains including Ralphs Grocery Co. and Food 4 Less. He sold Ralphs in 1997. He and his wife, Janet, are engaged in a bitter divorce and fight over an estimated \$2.3-billion fortune. They were married 33 years before she filed for divorce in 2003.

"When you take a case to the courts and ask a court to decide a case, there's no justification for keeping that secret," said Gregg Leslie, legal defense director of the Reporters Committee for Freedom of the Press. "It's a fundamental aspect of accountability in a democratic society."

Janet Burkle joined in the appeal to open the files, said her lawyer, Hillel Chodos.

"Ron Burkle has spent a gazillion dollars on this sealing-privacy-secrecy campaign," Chodos said. "He has donated to the governor and to legislative leaders. At the same time, if you put Ron Burkle in Google, you get 269,000 hits. He wants privacy for what's convenient for him."

Jodi Hicks, an official with the California chapter of the National Organization for Women, said her organization opposes "any kind of legislation or decisions that don't allow public access to court records."

Concerns from female lawmakers helped stall a new bill this month that would allow Burkle to seal financial information in divorce court proceedings.

Rather than accept amendments drafted to allay the concerns of women's groups, Sen. Kevin Murray (D-Culver City) asked last week that his bill be put on inactive status in the Assembly. He could revive the bill.

Murray drafted the bill in February; it included an urgency clause that would allow the measure to take effect immediately if it were passed by the Legislature and signed by the governor.

The Assembly Judiciary Committee amended the bill last month to include a balancing test that would require judges to weigh the public's right of access to court records before keeping financial information secret.

Murray, who said he had not talked to Burkle about the bill, dropped the balancing test, complaining that it would render the legislation useless. The senator could not be reached for comment Wednesday.

Times staff writer Nancy Vogel contributed to this report.

LATM000020060518e25i00025

California; Metro Desk

John Spano

Times Staff Writer

753 Words

18 May 2006

Los Angeles Times

Home Edition

B-3

English