

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 08-005

RESPONDENT: Tom Gray, Chief Justice, Tenth Court of Appeals

DATE: October 13, 2008

SPECIAL COMMITTEE: Judge Olen Underwood, Chairman; Judge John Ovard; Judge David Peebles; Judge Manuel Bañales; Judge Kelly G. Moore

Petitioner is an associate justice and respondent is the chief justice of a three-justice court of appeals. They disagreed about a personnel matter, regarding which the chief justice corresponded with the Office of the Attorney General and with the administrative director of the Office of Court Administration. The associate justice asked the chief justice to provide copies of the correspondence, but the chief justice refused, claiming the correspondence was exempt pursuant to Rule 12. Petitioner filed this Rule 12 appeal. He asks us to decide that Rule 12 does not apply to this situation, but he also requests that we direct the chief justice to provide access to the records or that we determine how the justices should proceed procedurally.

We first determine whether Rule 12 applies to this request for judicial records. Rule 12 is entitled “Public Access to Judicial Records.” Rule 12.1 provides that the “purpose of the rule is to provide public access to information in the judiciary” Rule 12.4 provides that judicial records other than exempt records or those to which the rule does not apply are “open to the general public for inspection and copying”

We find that this request for judicial records of an appellate court from one justice of that court to another is not a request for public access and accordingly is not subject to Rule 12. As our only authority derives from Rule 12, we cannot and will not proceed further in this matter.