

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 21-009

RESPONDENT: 101st District Court

DATE: May 24, 2021

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Billy Ray Stubblefield; Judge Missy Medary; Judge David Evans; Judge Susan Brown

Petitioner requested the following records from Respondent:

- 1) any communications between Dallas County district court judges and their staff or agents regarding a case specified by the Petitioner (the “Case”);
- 2) any communications between the district court judges on the Case and other judges in Dallas county, including probate judges and other judicial officers;
- 3) any communications between the district court judges on the Case and any other current or former judge in the state;
- 4) any audio or video recording of a Zoom hearing in the Case; and
- 5) any other judicial record in the Case not already described in the request.

Respondent informed Petitioner that no records responsive to number 4 existed and that the remainder of the requests were overly broad, burdensome, and vague and failed to identify the records Petitioner sought. Petitioner then filed this appeal and clarified that his request was limited to responsive records that were related to the Case.

A “judicial record” subject to Rule 12 is one that is “made or maintained by or for a court or judicial agency in its regular course of business *but not pertaining to its adjudicative function*, regardless of whether that function relates to a specific case. *A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record.*” (Emphasis added.) Rule 12.2(d).

Petitioner’s request is for records related to a pending court case. Thus, the requested records pertain to Respondent’s adjudicative function and are not “judicial records” as defined by, or subject to, Rule 12. *See* Rule 12 Decisions Nos. 00-001, 03-005, and 11-004.

Because the records at issue are not judicial records under Rule 12, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records.