

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 22-006

**RESPONDENT:** Travis County Court at Law No.1

**DATE:** July 7, 2022

**SPECIAL COMMITTEE:** Judge Stephen B. Ables, Chair; Judge Missy Medary; Judge Sid Harle; Judge Dean Rucker; Judge David Evans

In a set of emails sent to Respondent on May 9, 2022, Petitioner requested from Respondent:

1. “. . . the minutes, agendas, and all attendee names including court staff and personnel for the April 20, 2022 and April 21, 2022 Zoom hearing at the Travis County Court at Law Number One.”
2. “. . . all of [Respondent’s] communications and information in regards to me, [Petitioner]. This is to include notes, letters, emails, text messages, and communications from [certain email addresses attributed to Respondent]. This is to include communications to and from your staff, employees, and non-staff and non-employees including the Public.”

Petitioner filed a petition for review on May 12, 2022, but was informed by Office of Court Administration staff that the petition was not ripe for review because Respondent’s window for timely replying to Petitioner’s request had not closed. On May 17, 2022, Respondent formally denied Petitioner’s request on the grounds that the records sought pertained to the court’s adjudicative function and therefore were not subject to disclosure under Rule 12.<sup>1</sup> Petitioner then filed a petition for review. The petition materials provided to the special committee contain three requests — only two of which are directed to Respondent in the May 9 emails. The third request submitted with the petition flows from a May 9 email to the Travis County Clerk for Respondent’s conflict of interest questionnaire. Respondent’s formal denial does not address this request.

We first address what appear to be case records materials sought by Petitioner in its May 9 emails (items 1 and 2 above). Respondent, in its denial notice to Petitioner and its reply to the petition, states that the records sought by Petitioner relate to a specific case brought before the court. Rule 12 governs access to judicial records. A record created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. *See* Rule 12.2(d). Such records are case records. *See* Rule 12 Decision No. 00-001. The special committee has no authority under Rule 12 to review a dispute over case records and the petition is dismissed for these requests.

The petition for review submitted to the special committee contains a request directed to

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<sup>1</sup> Respondent’s denial letter also references an email dated May 13, 2022 (submitted to Respondent on May 12, 2022 after close of business) requesting certain records relating to Respondent’s campaign and political donations as well as other professional relationships and other employment. This request does not appear in Petitioner’s petition for review, and is therefore not within the scope of this decision.

the Travis County Clerk's Office. Taking the petition on its face, the special committee points out that the records custodian in question is not the Respondent. This being the case, the request is outside the scope of the special committee's review and the balance of the petition is dismissed.