

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 13-010

RESPONDENT: Dallas County District Clerk

DATE: January 7, 2014

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Olen Underwood; Judge Billy Ray Stubblefield; Judge David Peeples; Judge Jeff Walker

Petitioner filed a petition for review alleging that Respondent denied her request for records regarding two court cases. The petition failed to include a copy of Respondent's denial as required by Rule 12.9(b)(1). We did not request that Petitioner correct this omission because we find that we are without authority to rule on this matter for the reason stated below.

A "judicial record" is defined by Rule 12.2(d) as a "record 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.)

The records requested by Petitioner relate to matters that are or have been before a court; therefore, they are not "judicial records" as defined by Rule 12.2(d) and they are not subject to Rule 12. *See* Rule 12 Decision Nos. 03-005 and 11-004.

Accordingly, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested information.