

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 14-003

RESPONDENT: Ninth Court of Appeals

DATE: July 23, 2014

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge David Peeples; Judge J. Rolando Olvera; Judge David Evans

Petitioner appeals Respondent's denial of access to the following records:

- 1) records showing the names of paralegals and briefing attorneys who were assigned to or engaged in reviewing a specific case;
- 2) records showing the names of paralegals and briefing attorneys who were assigned to or engaged in reviewing cases that were assigned to Justice Gaultney, Justice Kreger and Justice Horton;
- 3) audio, video or other records showing that Justice Gaultney, Justice Kreger and Justice Horton communicated with each other on October 31, 2013; and
- 4) any documents that show the training the clerk of the court relied on to make the decision to "receive" a document filed by Petitioner in a specific case rather than to "file" the document in the record of the case.

Respondent denied Petitioner's request claiming the requested records are exempt from disclosure under Rule 12.5 of the Rules of Judicial Administration. In Respondent's reply to this appeal, Respondent asserts that the requested records are not judicial records under Rule 12. Respondent also asserts that Rule 12.5(a), (c) and (f) exempt the requested information from disclosure.

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.)

We agree that the requested records pertain to the court's adjudicative function as provided in Rule 12.2(d) and, therefore, they are not judicial records subject to Rule 12. Additionally, we find that the requested records pertain to the court's internal deliberations on court or judicial administration matters. Therefore, if the records were subject to Rule 12, they would be exempt from disclosure under Rule 12.5(f).

Accordingly, the appeal is denied.