Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.:   05-001

RESPONDENT: Mari Kay Bickett, Executive Director, Texas Center for the Judiciary

DATE: March 4, 2005

SPECIAL COMMITTEE: Judge B. B. Schraub, Chairman; Judge Darrell Hester; Judge Kelly Moore; Judge John Ovard; Judge David Peeples

The Texas Center for the Judiciary ("Texas Center") is a private non-profit corporation that provides continuing legal education services to the judiciary under a Judicial and Court Personnel Training Fund grant administered by the Texas Court of Criminal Appeals pursuant to Texas Government Code Section 56.003(e). The applicant requested copies of documents detailing reimbursement records maintained by the Texas Center, and the Texas Center voluntarily provided the information in paper form. He then requested that the Texas Center provide the records in electronic form, and the Texas Center declined. Claiming that the electronic records are public records to which access can be compelled, the applicant filed this Rule 12 petition.

Rule 12 governs requests to inspect or copy a "judicial record" in the custody of a "records custodian" of a court, judicial officer, or "judicial agency." The Texas Center clearly is not a court or judicial officer, so Rule 12 would apply to this matter only if the Texas Center is a judicial agency. Rule 12.2(b) provides the following definition of a judicial agency:

> "Judicial agency means an office, board, commission, or other similar entity that is in the Judicial Department and that serves an administrative function for a court. A task force or committee created by a court or judge is a 'judicial agency'."

As a non-profit corporation that is not in the Judicial Department of state government and that is created under the provisions of Section 501(c)(3) of the Internal Revenue Code, the Texas Center is not a judicial agency within the meaning of Rule 12. Accordingly, Rule 12 does not apply to this matter, and we deny the petition for review.