

## **Before the Presiding Judges of the Administrative Judicial Regions**

### **Per Curiam Rule 12 Decision**

**APPEAL NO.:** 08-007

**RESPONDENT:** State Commission on Judicial Conduct

**DATE:** February 13, 2004

**SPECIAL COMMITTEE:** Judge John Ovard, Chairman; Judge Olen Underwood, Judge David Peeples, Judge Dean Rucker, Judge Stephen B. Ables

Petitioner requested statements, affidavits and letters submitted to the State Commission on Judicial Conduct by a person who had complained against a judge. The Commission denied the request on the grounds that under Rule 12.2(d) the records are not judicial records subject to Rule 12 because they relate to the Commission's adjudicative function and that the records are also confidential under the provisions of Article V, Section 1-a(10) of the Texas Constitution and Section 33.032 of the Texas Government Code. The Petitioner filed this appeal. We agree that the files are confidential under the constitutional and statutory provisions cited and are therefore exempt from disclosure under Rule 12.5(i). *See* Rule 12 Committee Decision 04-004. Accordingly, we deny the appeal.