

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 09-006

**RESPONDENT:** Tenth Court of Appeals

**DATE:** January 15, 2010

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

The Petitioner is an individual who has requested access to the following documents from the Tenth Court of Appeals (Court): 1) internal administration rules, titled “Internal Deadlines for Issuing Opinions and Orders,” 2) routing slips, 3) docket sheet, 4) Rule 12-13 of the Rules of Judicial Administration and 5) order withdrawing. Petitioner clarified that she was requesting documents related to a specific case. The Court provided Petitioner copies of Rules 12 and 13 of the Rules of Judicial Administration and the responsive docket sheet and opinion for discretionary review that withdrew the Court’s prior opinion in the specified case. The Court denied Petitioner’s request for the internal administration rules and the routing slip stating that such documents are not judicial records and, therefore, are not subject to Rule 12.

The threshold issue in a Rule 12 appeal is whether the records are “judicial records” as defined by Rule 12.2(d) as follows:

*“Judicial record means 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 routing slip requested by Petitioner was created in connection with a case or matter that is before the Court. Thus, it is not a judicial record within the meaning of Rule 12; it is a case record.

The internal administration rules requested by Petitioner are not related to a specific case or matter before the Court. However, under Rule 12, a record that pertains to a court’s adjudicative function is not a judicial record, regardless of whether the adjudicative function relates to a specific case. According to Respondent, the internal administration rules requested by Petitioner relate to how the Court processes cases for disposition and regulate the method by which cases pending in the Court are decided. How a court processes or decides cases is part of its adjudicative function. Therefore, we agree that the internal administration rules requested by Petitioner pertain to the Court’s adjudicative function and are not judicial records within the meaning of Rule 12.

Accordingly, we deny the Petition.