

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 11-004

RESPONDENT: The Honorable Brenda Dominy, Justice of the Peace, Pct. 1, Cherokee County

DATE: May 19, 2011

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

Petitioner submitted a written request for a copy of documents related to a case in Respondent's court and Respondent's statement of appointed/elected officer, oath of office and bond. Respondent provided the statement, oath and bond to Petitioner and withheld the documents related to the case. Petitioner then filed this appeal.

The threshold issue in a Rule 12 appeal is whether the requested records are "judicial records," which are 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 records at issue in this appeal are records related to a case in Respondent's court. Thus, they are case records, not judicial records as defined by Rule 12.2(d), and they are not covered under Rule 12.¹ Accordingly, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records.

¹ We note, however, that case records or court records which are not judicial records within the meaning of Rule 12 may be open pursuant to other law such as the common-law right to public access. See Rule 12 Decisions 00-001 and 00-003.