

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 11-007

**RESPONDENT:** State Commission on Judicial Conduct

**DATE:** July 25, 2011

**SPECIAL COMMITTEE:** Judge David Peeples, Chairman; Judge John Ovard; Judge Olen Underwood; Judge Dean Rucker, Judge Jeff Walker

Petitioner requested copies of all documents in the possession of the State Commission on Judicial Conduct (the “Commission”) that mention the name of a particular judge, including complaints filed against the judge and the results of complaints. 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 complaint records are related 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. Petitioner then filed this appeal.

We have previously held that records related to a complaint filed with the Commission relate to the Commission’s adjudicative function and are not subject to Rule 12 of the Rules of Judicial Administration. *See* Rule 12 Decisions 01-002, 01-005 and 03-008. Additionally, even if the records were subject to Rule 12, they would be exempt from disclosure under Rule 12.5(i) (*Information Confidential Under Other Law*) because they are confidential under the provisions of Article V, Section 1-a(10) of the Texas Constitution and Section 33.032 of the Texas Government Code. *See* Rule 12 Decisions 08-007 and 04-004. Accordingly, the appeal is denied.