

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 11-011

RESPONDENT: Pearland Municipal Court

DATE: November 1, 2011

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge John Ovard; Judge Billy Ray Stubblefield; Judge David Peebles; Judge Jeff Walker

Petitioner submitted a written request for a list of persons who have requested or have been ordered to take a driver's safety class in accordance with Art. 45.01 of the Code of Criminal Procedure. Respondent informed Petitioner that the court does not maintain a list like the one requested and suggested that Petitioner provide the names or cause numbers of the files she would like to inspect. 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 municipal court's traffic cases. 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.