

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 14-005

RESPONDENT: City of Krugerville/Northeast Municipal Court

DATE: December 16, 2014

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge Billy Ray Stubblefield; Judge David Peeples; Judge Dean Rucker

Petitioner requested from the City of Krugerville a recording from a police traffic stop and copies of Northeast Municipal Court's dockets for a 180-day period that, according to Petitioner, had been posted previously on the Northeast Municipal Court's website. The City provided the recording and referred to the court the request for the court's dockets. The court denied Petitioner's request for the docket sheets on two separate occasions and Petitioner 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.)

Docket sheets are records made and maintained by a court that pertain to its adjudicative function; they pertain to matters that have been or will be before a court. As such, they are not judicial records under Rule 12.2(d), and are not subject to Rule 12. Rule 12 Decision No. 03-005.

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. We also note that the primary significance of a decision finding that a record is not subject to Rule 12 is that the Rule 12 procedures for responding to requests and appealing the denial of requests do not apply. Neither the fact that a record is not subject to Rule 12 nor a decision making this determination should be used as a basis for withholding records.

Because the record at issue is not a judicial record under Rule 12, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested record.