

Before the Presiding Judges of the Administrative Judicial Regions
Per Curiam Rule 12 Decision

APPEAL NO.: 16-022

RESPONDENT: Administrative Office of the District Courts

DATE: January 26, 2017

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge Billy Ray Stubblefield; Judge David Evans; Judge Kelly G. Moore

Petitioner requested a copy of a “Motion to Recuse Worksheet” and all communications between Respondent’s staff attorney and two judges related to a motion to recuse filed in December of 2014 or any other motion to recuse filed in a specific case. Respondent denied Petitioner’s request and Petitioner filed this appeal. Petitioner has asked that the appeal be expedited and the request has been granted.

A “judicial record” is defined by Rule 12.2(d) as 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.)

All of the records requested by Petitioner are records that were created, produced or filed in connection with cases that are or have been before one or more district courts in Harris County. Therefore, they are not “judicial records” as defined by Rule 12.2(d) and they are not subject to Rule 12.

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