

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 22-012

**RESPONDENT:** Unauthorized Practice of Law Committee

**DATE:** January 9, 2023

**SPECIAL COMMITTEE:** Judge Stephen B. Ables, Chair; Judge Sid Harle; Judge Missy Medary; Judge Dean Rucker; Judge Alfonso Charles

Petitioner requested from Respondent a copy of records related to two complaints, identified by name and complaint number, filed with Respondent. Respondent denied Petitioner's request asserting that the requested records were exempt from disclosure under Rule 12.5(k) (*Investigations of Character or Conduct*) of the Rules of Judicial Administration. Petitioner is appealing the denial of access to the requested records.

Rule 12.5(k) exempts from disclosure "any record relating to an investigation of any person's character or conduct, unless: (1) the record is requested by the person being investigated; and (2) release of the record, in the judgment of the records custodian, would not impair the investigation." See Rule 12 Decision No. 17-024.

Complaints filed with Respondent require the investigation of a person's conduct to determine if they have engaged in the unauthorized practice of law. Therefore, Respondent's complaint records are exempt from disclosure under Rule 12.5(k) and should not be disclosed unless the requestor is the subject of the investigation and their release will not impair Respondent's investigation. Petitioner is not requesting records related to complaints filed against Petitioner. Accordingly, we need not determine whether the release of the records at issue in this appeal would impair Respondent's investigation and we sustain Respondent's denial of access to the requested records.