

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

APPEAL NO.: 24-003

RESPONDENT: Presiding Judge, Eighth Administrative Judicial Region

DATE: March 5, 2024

SPECIAL COMMITTEE: Judge Stephen Ables, Chair; Judge Ana Estevez; Judge Alfonso Charles; Judge Susan Brown; Judge Robert Trapp

On October 12, 2023, Petitioner sent to Respondent, the Presiding Judge of the Eighth Administrative Judicial Region, a request for “copies of the Request for Appointment from [the 324th District Court] for the period of time starting January 1, 2023 to March 31, 2023.” Petitioner also sought a copy of any Order of Appointment issued by Respondent during the same timeframe. On October 25, Respondent sent to Petitioner, via USPS certified mail, an extension request letter explaining that Respondent could not respond to the request within the 14-day period required by Rule 12.6(b). Pursuant to Rule 12.6(b)(2), Respondent wrote, additional time was necessary to comply with the request. Respondent stated a response would be sent to Petitioner by November 10. Respondent’s extension letter was delivered to Petitioner via USPS on November 9.

In an undated appeal received by the Office of Court Administration on February 1, 2024, Petitioner alleged that it had “never received any other documentation from [Respondent] regarding my Rule 12 request since the October 25th” letter. Petitioner further alleged that Respondent had denied Petitioner’s timely request and that Petitioner was appealing that denial. Because Petitioner alleged in its appeal that Respondent had not sent further documentation to Petitioner, consistent with the Rule 12.1 “liberal construction” directive, the appeal was docketed for review by the special committee despite missing the denial letter required by Rule 12.9(b).

Pursuant to Rule 12.9(b)(3), Petitioner also requested expedited review of the petition. Upon reviewing Respondent’s reply to the petition, however, Petitioner’s request for expedited review is denied. Materials provided by Respondent to the special committee show that Respondent sent to Petitioner, by certified mail postmarked November 10, a letter dated November 9 with enclosed documents responsive to Petitioner’s request. Respondent’s letter noted that Respondent was aware of modifications to Petitioner’s request and that it did not have documents responsive to the request. The certified mail return receipt bears Petitioner’s signature, with the date of delivery listed as November 30.

Where judicial records responsive to a Rule 12 request are provided to a requestor, Rule 12 is considered satisfied. *See* Rule 12 Dec. Nos. 23-004, 23-006. Contrary to Petitioner’s assertions, Petitioner received responsive documentation from Respondent after the October 25

letter, on November 30. The special committee concludes that Respondent has satisfied its Rule 12 obligations with respect to Petitioner's request. Accordingly, Petitioner's appeal is dismissed.¹

¹ Petitioner signed for documentation sent by Respondent on November 30, 2023. Rule 12.9 requires a petition to be filed no later than 30 days after the date a petitioner *receives* notice of a denial of access to a judicial record. *See* Rule 12.9(c). It is unclear whether Petitioner's appeal was timely due to the lack of a date on Petitioner's appeal. However, as all requested records were provided to Petitioner, we need not consider this issue as it is moot and would not in any way alter our decision.