

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 16-003

RESPONDENT: Tenth Court of Appeals

DATE: March 16, 2016

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge Olen Underwood; Judge David Peebles; Judge Kelly G. Moore

Petitioner filed four separate requests with Respondent requesting records from cases in which Petitioner is a party. In each request, Petitioner provided the list of documents he was seeking and the dates they appear to have been filed with Respondent or a trial court. Respondent informed Petitioner that it would respond to Petitioner in due time, reminded him that he needed to copy all parties on any correspondence sent to Respondent regarding the cases, and informed him that the Rules of Appellate Procedure, not Rule 12, apply to his requests. Petitioner then filed this appeal.

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.)

The records requested by Petitioner are records that were created, produced and filed in connection with cases before the Tenth Court of Appeals. Therefore, they are not “judicial records” as defined by Rule 12.2(d) and they are not subject to Rule 12. *See* Rule 12 Decisions Nos. 03-005, 11-004 and 15-006.

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.