

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

APPEAL NO.: 20-001

RESPONDENT: State Commission on Judicial Conduct

DATE: April 14, 2020

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Alfonso Charles; Judge Susan Brown; Judge Ray Wheless; Judge Olen Underwood;

On November 19, 2019, Petitioner requested copies of emails he had sent to the State Commission on Judicial Conduct in connection with a proceeding before the Commission. In its December 6, 2019 reply, Respondent informed Petitioner that, consistent with Government Code §33.032, it had no documents or records responsive to Petitioner’s request because the request did not identify any judge against whom the Commission had taken public disciplinary action. On January 13, 2020, Petitioner sent a follow-up request to Respondent that elaborated upon why the emails were being sought and why Petitioner was entitled to the emails. Petitioner also requested a complete copy of two judicial conduct complaints he had filed with the Commission. Shortly thereafter, Petitioner submitted to the Administrative Director of the Office of Court Administration his January 13 follow-up request to Respondent, which was treated as a Rule 12 appeal of the denial of the records requested. Before receiving notice of the Rule 12 appeal, Respondent, on January 24, 2020, sent a reply to Petitioner that reiterated that there was no law that permitted it to release the emails Petitioner sought. Respondent did, however, indicate it could send Petitioner the complaints Respondent believed were referenced in the follow-up request. Because Respondent twice denied Petitioner’s request for the same emails, the special committee will treat the December 6 and January 24 denials to the emails requested as a single episode on appeal.

In many prior cases, we have concluded that records related to a complaint filed with the Commission relate to the Commission’s adjudicative function, are therefore not “judicial records” under Rule 12.2(d), and thus are not subject to Rule 12. *See* Rule 12 Decision Nos. 01-002, 01-005, 03-008, 11-007, 15-008. Accordingly, the appeal is denied.