

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Criminal Justice Committee Judicial Work Product Security Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

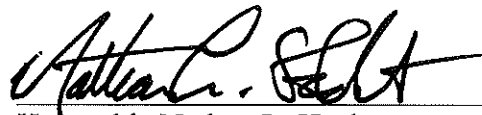
WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, on the evening of May 2, 2021, the political news website *Politico* published a leaked draft of US Supreme Court Justice Samuel Alito's majority opinion in *Dobbs v. Jackson Women's Health Organization*, sending shockwaves through the news cycle; and

WHEREAS, leaks of a court's work product and draft decisions disrupt the court's internal operation and deliberations, weaken judicial independence by subjecting judges to political pressure and intimidation over undecided cases, and threaten public trust and confidence in the courts; and

WHEREAS, there is no state statutory provision that criminalizes the unauthorized release of a draft decision or other judicial work product;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature make it a criminal offense to publicly distribute draft judicial opinions and work product that details the decisional reasoning of or the holding of a justice or judge.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council