

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

APPEAL NO.: 23-006

RESPONDENT: 231st District Court, Tarrant County

DATE: August 17, 2023

SPECIAL COMMITTEE: Judge Dean Rucker, Chair¹; Judge Ray Wheless;
Judge Dib Waldrip; Judge Sid Harle; Judge Susan Brown

Petitioner submitted a set of Rule 12 requests, six in total, seeking from the Judge of the 231st District Court, the Associate Judge of the 231st District Court, and the 231st District Court coordinator (collectively, the “Respondent”) “all emails, texts, and instant messages” (1) sent to or by the Respondent during a certain period of time and (2) sent to or by the Respondent containing certain keywords during certain period of time. Respondent informed Petitioner that there were no “judicial responses” for four of Petitioner’s six specific requests. For the remaining two requests, Respondent wrote, responsive records had already been provided to Petitioner. Petitioner filed a timely appeal. Petitioner, on appeal, contests Respondent’s conclusions on record existence and release.

If a requested record does not exist, a Respondent’s inability to produce the requested record is not a denial of access to judicial records under Rule 12. *See* Rule 12 Dec. No. 17-015. And where judicial records responsive to a Rule 12 request are provided to a requestor, Rule 12 is satisfied. *See* Rule 12 Dec. No. 23-004. Because Respondent did not submit a reply to the petition, we direct the Respondent to confirm in writing to the Petitioner and the special committee that the Respondent does not have responsive judicial *records* (rather than “judicial responses”) to requests Nos. 1 – 4 as found in Petitioner’s request, and that for the balance of Petitioner’s request all responsive records have been released. If Respondent confirms its original reply to Petitioner, the appeal is dismissed. If there are unreleased judicial records, Respondent should release them or, alternatively, provide a basis to the special committee for the withholding.

¹ Presiding Judge Dean Rucker did not participate in the decision.