

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 25-009

RESPONDENT: 233rd District Court, Tarrant County

DATE: May 30, 2025

SPECIAL COMMITTEE: Judge Missy Medary, Chair; Judge Ben Woodward; Judge Alfonso Charles; Judge Robert Trapp; Judge Sid Harle

Petitioner sent to Respondent a sweeping, detailed Rule 12 request seeking records sent or received by certain judges over a four-year period and regarding various persons and cause numbers. After examining its records, Respondent informed Petitioner that any responsive, non-exempt judicial records Respondent had in its possession were available for pick-up in person at the court. Respondent's letter did not state what exemptions applied to the withheld documents. Petitioner then asked if the documents could be provided to it electronically, on mobility disability grounds. Respondent thereafter referred Petitioner to the letter notifying of the availability to pick up the responsive, non-exempt documents in person. Petitioner then sent Respondent a message clarifying that its request was made as a reasonable accommodation request under the Americans with Disabilities Act (ADA) and that Petitioner needed a specific reason for a refusal to provide the withheld records. Petitioner also asked Respondent to clarify whether all requested records had been provided and that, if any had been withheld, that Petitioner wanted to know what records had been withheld and the grounds for doing so. Respondent again pointed Petitioner back to the initial letter informing Petitioner that the records were available to pick-up. Petitioner timely filed a petition for review, stating it was appealing the denial of a Rule 12 request "regarding communications related to" a certain cause number in Respondent's court. Specifically, Petitioner complained in the petition that Respondent had not answered Petitioner's accommodation request for record access nor provided "the reason for the denial as required by" Rule 12.8(c). Petitioner requested expedited review of its petition, citing "the time-sensitive nature of these records, which directly impact pending legal matters[.]" In a reply to the petition, Respondent informed the special committee that it had responded to Petitioner's request and referred Petitioner to that response, but did not otherwise advance exemption claims related to the documents withheld from Petitioner or address Petitioner's ADA accommodation claims.

As an initial matter, Petitioner's request for expedited review is denied. Next, a record created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. *See* Rule 12.2(d). Such records are case records. *See* Rule 12 Dec. No. 00-001. It appears to the special committee, based on the language of Petitioner's sweeping request and based on Petitioner's comments in its petition regarding the nature of the records sought, that the records in question are not in fact judicial records, but case records. Because Respondent's reply to the petition does not elaborate on the nature of the records other than pointing the special committee to Respondent's limited disclosure letter sent to Petitioner, we direct the Respondent to confirm in writing to the special committee and the Petitioner whether the Respondent has responsive *judicial*

records to the request (i.e., records not related to Petitioner's case). If the Respondent confirms it does not have responsive judicial records, the appeal is dismissed. If Respondent confirms it has responsive judicial records that remain unreleased, Respondent should release them without delay or, alternatively, provide to the special committee within 10 days of the date of this opinion a basis for withholding them.