

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 25-021

RESPONDENT: Presiding Judge, Eighth Administrative Judicial Region

DATE: December 11, 2025

SPECIAL COMMITTEE: Judge Missy Medary, Chair; Judge Ray Wheless; Judge Dib Waldrip; Judge Alfonso Charles; Judge Susan Brown

On October 2, 2025, Petitioner requested from Respondent via email the following:

- Any and all orders of assignment issued by Respondent appointing a certain visiting judge to preside in a certain case or any related or predecessor cases, including any transmittals to the district clerk or other custodian;
- Any and all certifications under Texas Government Code Section 74.055 and any renewals under Section 74.0551 from January 1, 2019, to the date of the request; and
- Any and all constitutional oath of office and statement of officer/anti-bribery statement or other oath required for service as an assigned/visiting judge for a certain visiting judge from January 1, 2019, to the date of the request.

On October 27, Petitioner filed a petition for review on the grounds that it had not received a response from Respondent as required by Rule 12.6. Specifically, Petitioner alleged that Respondent's silence constituted a denial of the request by operation of law. Respondent filed a reply to the petition arguing that Petitioner's email was not received by Respondent because the email was flagged by Tarrant County's email content filter to contain malicious content, which prevented the delivery of the message to Respondent's mailbox. Respondent provided the special committee with a statement from Tarrant County's Chief Information Security Officer explaining that the email containing Petitioner's request was "removed [by the email content filter] prior to being delivered to any Tarrant County mailbox" because it was determined by the filter to contain malicious content. Respondent stated it received Petitioner's email on October 30, the date Petitioner's appeal was circulated to the parties by the Office of Court Administration's Rule 12 Clerk. Because it had not received the Rule 12 request until provided by the Rule 12 Clerk on October 30 and because Respondent was informing Petitioner via its reply that it could not reply to the request until December 4, 2025 without substantially and unreasonably impeding Respondent's operations of the administrative region, Respondent argued that the appeal should be dismissed as premature.

We have previously stated that a respondent's obligation to comply with Rule 12 is triggered upon actual receipt of a request. *See* Rule 12 Dec. No. 21-010. Respondent has provided materials to the special committee showing that it "actually received" Petitioner's Rule 12 request on October 30, and we conclude this is the date the Rule 12 Clerk circulated the appeal. Petitioner

filed its appeal on October 27, before the date of actual receipt of the Rule 12 request. We agree with Respondent that Petitioner's Rule 12 request is premature. Accordingly, the appeal is dismissed.