Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 26-038

RESPONDENT: Justice of the Peace, Precinct 3, Val Verde County

DATE: November 10, 2026

SPECIAL COMMITTEE: Judge David Evans, Chair; Judge Robert Trapp; Judge Sid Harle; Judge Ben Woodward; Judge Ana Estevez

On September 7, 2026, Petitioner requested from Respondent "bond-setting records" "reflecting felony bonds set by [Respondent] from January 1, 2024 through July 31, 2026." Having not received a reply to the initial request, Petitioner sent a follow-up request to Respondent requesting the same records on September 24. On October 3, Petitioner filed a petition for review alleging that Respondent had not responded to Petitioner's Rule 12 request. Upon receiving notice that Petitioner had filed a Rule 12 appeal, Respondent informed both the Petitioner and the administrative director of the Office of Court Administration that Petitioner's request was being denied "pursuant to Rule 12.8" because the request would "substantially and unreasonably impede the routine operations" of the court. Respondent stated that there were more than 600 felony magistrations conducted during the sample time period requested by Petitioner. In response to Respondent's reply, Petitioner clarified that it was seeking only felony magistration bonds "personally set" by Respondent.

The threshold issue in a Rule 12 appeal is whether the requested records are "judicial records," which are defined by Rule 12.2(d) as "a record made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case." The special committee has reviewed the petition, the Respondent's reply, and the Petitioner's response to the Respondent's reply, and concluded that the records at issue are records "created, produced, or filed" in connection with a matter that has been before a court. Accordingly, the requested records are not judicial records under Rule 12. The presiding judges of the administrative judicial regions are thus without authority to grant the petition in whole or in part or sustain the denial of access to the requested records, and the petition must be dismissed.