Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 26-036

RESPONDENT: Williamson County Justice of the Peace, Pct. 4

DATE: November 18, 2026

SPECIAL COMMITTEE: Judge David L. Evans, Chairman; Judge Missy Medary; Judge Kirsten Cohoon; Judge Ben Woodward; Judge Susan Brown

Petitioner requested from Respondent two broad categories of records concerning a certain cause number involving Petitioner. The first category of records sought concerned records "reflecting awareness of [a] judicial-conduct complaint," and the second category sought records "concerning [a certain] recusal and bench exchange." In declining to disclose requested records, Respondent cited Rule 12.5(a) (*Judicial Work Product and Drafts*), Rule 12.5(c) (*Personnel Information*), Rule 12.5(d) (*Personal Identifying Information*), Rule 12.5 (f) (*Internal Deliberations on Court or Judicial Administration Matters*), and Rule 12.2(d) (*Definitions: Judicial Record*). In its petition for review, Petitioner complained that Respondent failed to identify which judicial records were withheld under particular exemptions nor explain why protected information could not be redacted and responsive records released. Respondent's reply to the petition reasserted its position that some of the requested records were not "judicial records" under Rule 12.2(d) and that the balance of responsive judicial records were exempt from disclosure under Rule 12.5. Respondent submitted the withheld records for *in camera* inspection by the special committee.

Before addressing Respondent's exemption claims, we first consider Petitioner's second category of requested records: those "concerning [a certain] recusal and bench exchange." The threshold issue in a Rule 12 appeal is whether the requested records are "judicial records." A "judicial record" subject to Rule 12 is one that is "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. A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record." Rule 12.2(d). Records that pertain to a court's adjudicative function are not judicial records covered by Rule 12; they are case records. We agree with Respondent that the second category of records sought by Petitioner are not judicial records under Rule 12. And as to this category of records, we can neither grant the petition in whole or in part nor sustain denial of access to the requested records, and the appeal is dismissed as to the second category of records in whole.

Next, we consider the first category of records in Petitioner's request: those "reflecting awareness of [a] judicial-conduct complaint." Respondent divides its withheld records into two subcategories: those subject to withholding under Rule 12.5(f), and those subject to withholding under Rule 12.5(c) and Rule 12.5(d). (Respondent does not advance a withholding theory under Rule 12.5(a) in its response to the petition.) In reviewing Respondent's *in camera* records withheld under Rule 12.5(f), a closer examination of the records reveals that they relate to a matter that is or has been before a court. Put another way, these records are "adjudicative records" that are not subject to disclosure under Rule 12 because they are not "judicial records" under Rule 12.2(d). Finally, we

consider the remaining records withheld under Rule 12.5(c) and Rule 12.5(d). An examination of these records reveals them to be mobile phone carrier records. Respondent has highlighted the materials in these records it believes to be confidential under Rule 12.5. Where only a portion of a withheld document contains exempt materials, the proper response is to redact the exempt portion before releasing it. *See* Rule 12.6(d). We therefore grant Petitioner access to the remainder of the redacted, responsive mobile phone carrier document submitted to us for *in camera* review.

In sum, we can neither grant the petition in whole or in part nor sustain the denial of access to the category two records and the records withheld under Rule 12.5(f), and we grant Petitioner access to the remainder of the redacted, responsive mobile phone carrier document submitted to us for *in camera* review.