

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 12-007

RESPONDENT: Chris Prine, Clerk, 14th Court of Appeals

DATE: October 15, 2012

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge John Ovard; Judge Billy Ray Stubblefield; Judge David Peebles; Judge Jeff Walker

Petitioner requested from Respondent information regarding the composition of the panel assigned to her case pending before the 14th Court of Appeals (the “Court”), whether the Court had notified the State Bar of a certain attorney’s misconduct, and whether records and briefs of the case were going to be made available on line. She sent a subsequent request for information regarding the details of the distribution of a Supreme Court of Texas order issued in Petitioner’s case. Respondent replied to Petitioner’s inquiries. Petitioner filed this appeal asserting that she had not received the information she requested.

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 follows:

“Judicial record means 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. *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.*” (Emphasis added.)

None of the requests at issue in this appeal appear to be for records; rather they seek an explanation regarding certain events and documents related to a case filed with the Court. To the extent any records that are responsive to the request at issue in this appeal exist, they pertain to a specific case filed with the Court. Thus, they would be case records, not judicial records as defined by Rule 12.2(d), and they would not be covered under Rule 12.¹

Accordingly, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records.

¹ We note, however, that case records or court records which are not judicial records within the meaning of Rule 12 may be open pursuant to other law such as the common-law right to public access. See Rule 12 Decision 00-001.