

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 15-008

RESPONDENT: State Commission on Judicial Conduct

DATE: September 7, 2015

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Olen Underwood; Judge David Peebles; Judge Dean Rucker; Judge David Evans

Petitioner requested copies of the following information from Respondent (the “Commission”) related to a complaint filed by Petitioner with the Commission: 1) statements, not deemed privileged or confidential, made by other persons to the Commission, 2) the names of participants in the Commission’s investigation, original hearing and reconsideration of the complaint, 3) an index or summary of documents reviewed by the Commission, and 4) specific laws, statutes and canons the Commission relied on in making its decision. The Commission denied the request on the grounds that under Rule 12.2(d) the records are not judicial records subject to Rule 12 because complaint records are related to the Commission’s adjudicative function and that the records are also confidential under the provisions of Article V, Section 1-a(10) of the Texas Constitution and Section 33.032 of the Texas Government Code. Petitioner then filed this appeal.

We have previously held that records related to a complaint filed with the Commission relate to the Commission’s adjudicative function and are not subject to Rule 12 of the Rules of Judicial Administration. *See* Rule 12 Decisions 01-002, 01-005 and 03-008. Additionally, even if the records were subject to Rule 12, they would be exempt from disclosure under Rule 12.5(i) (*Information Confidential Under Other Law*) because they are confidential under the provisions of Article V, Section 1-a(10) of the Texas Constitution and Section 33.032 of the Texas Government Code. *See* Rule 12 Decisions 11-007, 08-007 and 04-004. Accordingly, the appeal is denied.