

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 15-017

RESPONDENT: Dallas County Commissioners Court Administrator
Dallas County Auditor
Dallas County District Clerk

DATE: January 22, 2016

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Olen Underwood; Judge Billy Ray Stubblefield; Judge Missy Medary; Judge Dean Rucker

Petitioner submitted a request to the Dallas County Commissioners Court Administrator, the Dallas County Auditor and the Dallas County District Clerk. The following is a summary of the information Petitioner requested:

- 1) access to the portion of new criminal case filing records subject to disclosure for each adult criminal case filed in the criminal courts on 9-1-2015;
- 2) access to the portion of new civil case filing records subject to disclosure for each civil case filed in the civil courts on 9-1-2015; and
- 3) access to the portion of grand jury disposition records which is subject to disclosure for each adult grand jury case that was heard on 9-1-2015.

In his request, Petitioner also stated that Dallas County was already providing him with some files on a daily basis from Monday through Friday and that he wanted the above requested records provided in the same manner, if possible. The Dallas County District Clerk's office denied Petitioner's request and Petitioner filed this appeal.

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.)

The records at issue in this appeal are records related to the cases filed in the county's district and civil courts and actions taken by the grand jury. Thus, they are case records, not judicial records as defined by Rule 12.2(d), and they are not covered under Rule 12.¹ Accordingly, we are without authority to grant the petition in whole or in part or to 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 Decisions 00-001 and 00-003.