

Before the Presiding Judges of the Administrative Judicial Regions Per Curiam Rule 12 Decision

APPEAL NO.: 26-011

RESPONDENT: Brazoria County Clerk

DATE: May 6, 2026

SPECIAL COMMITTEE: Judge David Evans, Chairman; Judge Robert Trapp; Judge Kirsten Cohoon; Judge Ana Estevez; Judge Alfonso Charles

Petitioner requested from Respondent copies of the surety bond information for the current Brazoria District Clerk and Deputy District Clerk, and for certain former District and Deputy District Clerks. Although Respondent produced some records, Petitioner filed an appeal complaining that Respondent failed to comply with Rule 12 in the disclosure process.

Rule 12 is not universally applicable, even to records that on their face might be “judicial records” under Rule 12.2(d). Rule 12 applicability is controlled by Rule 12.3. Of key importance in the instant appeal is Rule 12.3(d), which provides that Rule 12 “does not apply to . . . *elected officials other than judges*” (emphasis added). We previously considered Rule 12.3(d) in Rule 12 Decision No. 21-008, where we concluded that Rule 12 was inapplicable as applied to a district clerk because the district clerk was an elected official other than a judge. There we reasoned that, because Rule 12 did not apply, the special committee was without authority to issue a decision regarding records in the custody of the district clerk. We then instructed the Office of Court Administration to administratively dismiss any future appeals submitted in which the respondent was a district clerk or a district clerk’s office.

Although Rule 12 Decision No. 21-008 did not specifically refer to county clerks or county clerk offices, the principle governing that decision is equally applicable to them: Rule 12 does not apply to elected officials other than judges, and county clerks are elected officials other than judges. In short, Rule 12 is inapplicable to Respondent. *See* Rule 12.3(d). Accordingly, we are without authority to issue a decision regarding records in the custody of the Respondent and we must dismiss this appeal.

To ensure dispositional consistency of any appeal where the respondent is an elected official other than a judge, and building off of Rule 12 Decision No. 21-008, we further instruct the Office of Court Administration to administratively dismiss any future appeals submitted to the Office in which the respondent is an “elected official other than a judge.”