

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

APPEAL NO.: 26-008

RESPONDENT: 471st District Court, Collin County

DATE: June 8, 2026

SPECIAL COMMITTEE: Judge David Evans, Chair; Judge Robert Trapp; Judge Dib Waldrip; Judge Kirsten Cohoon; Judge Alfonso Charles

On March 8, 2026, in an email sent under the subject title “Rule 12,” Petitioner demanded Respondent disclose “all communications between, to, or from, [the Judge of the 493rd District Court] in any capacity.” Then, on April 2, 2026, Petitioner sent a follow-up email on its “Rule 12” message asking Respondent to “explain the failure to comply with the rules.” On April 7, Petitioner submitted an email to the Rule 12 Clerk containing the following: “See the [R]ule 12 requests below. This relates to public statements made by [the Judge of the 493rd District Court] while on the bench in open court.” Petitioner further explained in a later message to the Rule 12 Clerk that Respondent had not responded to Petitioner’s emails. In reply to the petition, Respondent raised two objections to Petitioner’s request. Respondent first argued that Petitioner’s correspondence “was not directed to any person and was sent to [a specific email address].” Respondent then argued that “Rule 12.6 requires sufficient information to reasonably identify the record requested” and that “the correspondence does not qualify as a proper request under Rule 12 because the correspondence did not contain sufficient information to reasonably identify a judicial record.” In a follow-up message to Respondent’s reply, Petitioner argued that Respondent chose to ignore the request rather than to ask for clarification of the request.

We begin by citing several governing Rule 12 principles implicated in this appeal. Rule 12’s aim is to provide public access to information in the judiciary and Rule 12 should be liberally construed to achieve this purpose. *See* Rule 12.1. Rule 12 does not apply to the entire universe of records available, but instead applies to “judicial records” — those records made or maintained by or for a court 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. *See, e.g.,* Rule 12.2(d), Rule 12.3, 12.4, and Rule 12.5. A judicial records request must include sufficient information to reasonably identify the record requested and must be sent to the records custodian and not to a court clerk or other agent for the records custodian. *See* Rule 12.6(a). A records custodian must act on the judicial records request no later than 14 days after actual receipt of the request. *See* Rule 12.6(b). A judicial records request may be denied if the record is exempt from disclosure or if the records custodian makes specific, non-conclusory findings that compliance with the request would substantially and unreasonably impede the routine operations of the court. *See* Rule 12.8.

We have previously noted that Rule 12 is to be liberally construed to achieve its purpose,

that a judge's obligation to comply with Rule 12 is triggered upon receipt of a request for judicial records, and that a judicial records request does not require "magic words" in order to gain access to the requested records. *See, e.g.*, Rule 12 Dec. Nos. 05-005, 09-001, 11-009, and 23-004. Of key importance to all of these principles, though, is that the request be for "*judicial records*." In its petition for review Petitioner stated that the Rule 12 request related "to *public statements made by [the Judge of the 493rd District Court] while on the bench in open court*" (emphasis added). As noted above, Rule 12.2(d) defines a "judicial record" as 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." Additionally, "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." Such records are case records. *See* Rule 12.2(d) and Rule 12 Dec. No. 00-001. Although Petitioner's response to Respondent's reply bears *some* import regarding clarification of the request, even construed liberally, Petitioner's request appears to be, on its face, for something other than a "judicial record" as contemplated by Rule 12.2(d).

In the interest of administrative efficiency, then, we grant Petitioner a total of 10 business days leave, from the date of this decision, to (1) clarify its request to the Respondent (copied to the special committee) and (2) explain to the special committee why the records as sought in the clarified request are "judicial records" as defined by Rule 12.2(d). If, after submission of Petitioner's explanation of the clarified request, the special committee confirms the clarified request concerns access to non-judicial records, the petition will be dismissed. Should the special committee conclude the clarified request covers any non-judicial records, we will notify Respondent to give it 10 business days to respond to the request. And should Petitioner decline to submit a clarified request or an explanation of its request, the petition is denied.