

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

APPEAL NO.: 23-010

RESPONDENT: First Administrative Judicial Region

DATE: October 17, 2023

SPECIAL COMMITTEE: Judge Stephen Ables, Chair; Judge David Evans; Judge Robert Trapp; Judge Dib Waldrip; Judge Sid Harle

On July 21, 2023, Petitioner requested from Respondent “all communications between any District court Judge and any other person mentioning” a certain name. Petitioner indicated that the listed name was not “a case specific request” and that the request should encompass the last four years. A few hours after receiving the request Respondent replied to Petitioner seeking clarification on the request, asking whether Petitioner was looking for emails between Respondent’s office and any district court judge mentioning a certain name. Approximately one month later, Petitioner sent staff with the Office of Court Administration, as the basis of an appeal, an email chain containing Petitioner’s request and Respondent’s response. In its reply to the petition, Respondent revealed that Petitioner had later amended its request to mean “any communication between any district court employee referencing or concerning” a certain name. Petitioner stated the request did not relate to “efile, [nor was it] case specific” — “[j]ust any instance where [the name] comes up.” Respondent stated that it found the amended request unclear, and that it could not tell what records Petitioner sought. Nonetheless, Respondent wrote, it had reviewed all of its emails and could not “locate any emails between any district court and anyone else that mentions [a certain name], except those that pertain to a specific case.”¹

Rule 12 provides procedures for responding to requests when judicial records are available. *See* Rule 12.6. Consistent with Rule 12.6(g), Respondent attempted to clarify the nature of the request. Even with Petitioner’s follow-up reply, Respondent informed the special committee that it still could not tell what records were sought. Nonetheless, Respondent reviewed its records and informed the special committee that it does not have any records responsive to the request. If a requested record does not exist, a respondent’s inability to produce a requested record is not a denial of access to judicial records under Rule 12. *See* Rule 12 Dec. No. 17-015. Accordingly, the petition is denied.

¹ In a response sent to Respondent and the special committee after it received Respondent’s reply to the petition, Petitioner stated that it was not looking for records held by Respondent but was actually looking for records held by other Collin County district courts. Respondent apologized for the confusion and stated that “[b]ecause there was no clear means” by which to obtain these records, it “figured [Respondent] would be able to direct the request to the correct person . . . per the rules.” Petitioner’s response, in essence, amends on appeal the original request sent to Respondent that was filed in this appeal. This decision considers the petition as originally submitted by Petitioner, not the reframed request as found in the response to the reply to the petition. To the extent Respondent can forward Petitioner’s request to other judges, the special committee directs Respondent to do so.