

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

APPEAL NO.: 24-001

RESPONDENT: Bexar County Civil District Courts Administration

DATE: February 28, 2024

SPECIAL COMMITTEE: Judge Stephen Ables, Chair; Judge Robert Trapp; Judge Missy Medary; Judge David Evans; Judge Ana Estevez

On November 29, 2023, Petitioner requested from a staff attorney in Respondent’s employ the following:

- “All emails, texts, or other communications which were sent contain [various terms, including names of certain persons, certain locations, and certain case information]”; and
- “Your current resume.”

Having not received a reply to the request within the Rule 12.8(b) timeframe, Petitioner submitted a Rule 12 appeal on January 4, 2024 seeking compelled disclosure of the requested documents and requesting expedited review in the appeal. Following the expiration of the Rule 12.9(e) response time, the special committee requested from Respondent for *in camera* review any records responsive to Petitioner’s request. In its reply to the special committee’s *in camera* request, Respondent argued that the withheld communications records sought by Petitioner were not subject to disclosure under Rule 12. For the remaining records, Respondent wrote it had no additional documents.

A record created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. *See* Rule 12.2(d). Such records are case records. *See* Rule 12 Dec. No. 00-001. The special committee has reviewed the communications documents submitted for *in camera* review and agrees with Respondent that they are not subject to disclosure under Rule 12. The records are case records, not judicial records. Accordingly, we can neither grant the petition in whole or in part, nor sustain the denial of access to the requested communication records.

Respondent writes that it has no additional records. A records custodian is not required to create a document in response to a request. *See* Rule 12.4(a)(1) and Rule 12 Dec. Nos. 16-012, 18-001. Therefore, Respondent has no further obligation regarding this request.

Petitioner’s expedited review request is denied, and the appeal is dismissed.