

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

APPEAL NO.: 24-002

RESPONDENT: 309th Family Court, Harris County

DATE: March 6, 2024

SPECIAL COMMITTEE: Judge Stephen Ables, Chair; Judge Ray Wheless; Judge Dib Waldrip; Judge Sid Harle; Judge Ben Woodward

Petitioner submitted via email a Rule 12 request for “all emails sent to and from [Respondent]” during a certain timeframe that contained certain words. The body of the email did not indicate to whom the request was directed, and the request was sent not to Respondent but to a clerk in the Harris County District Clerk’s Office named on Respondent’s website as the court’s “clerk.” Having not received a reply from the email recipient, Petitioner filed an appeal. Petitioner’s appeal contained correspondence directed to Respondent’s “clerk,” and, in a handwritten addition to the typed appeal, stated that Respondent “refuses to respond.”

A Rule 12 request to inspect or copy a judicial record 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). Petitioner directed its Rule 12 request to the Respondent’s clerk rather than to the Respondent. When a records request is sent to a court clerk rather than the judicial records custodian, Rule 12 response obligations do not apply. *See* Rule 12.6; *see also* Rule 12 Dec. No. 21-010. The special committee’s authority under Rule 12 is limited to determining whether requested records should be made available under Rule 12. *See* Rule 12.9. Because the records request was sent to a court clerk rather than Respondent, and because Respondent was not obligated to reply, there are no Rule 12 access or denial matters to consider here.

Accordingly, Petitioner’s appeal is dismissed.