

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

APPEAL NO.: 24-013

RESPONDENT: 217th District Court, Angelina County

DATE: October 21, 2024

SPECIAL COMMITTEE: Judge Stephen Ables, Chair; Judge Dib Waldrip;
Judge Sid Harle; Judge David Evans; Judge Alfonso Charles

On August 6, 2024, Petitioner submitted a request for “all records regarding The Fifth Amended (2020) Local Rules of Angelina County for the Timely and Fair Appointment of Counsel for Indigent Defendants.” Petitioner stated that the request applied to office or private devices, text messages, and emails. On August 7, Respondent replied to Petitioner, writing that the request was “extremely broad and encompassing thousands of cases, vague[,] and ambiguous.” Respondent also noted that there was no time limitation on the request, and that the county’s local rules were on the county’s website. Respondent asked Petitioner to clarify and narrow the scope of the request to provide a specific subject matter, date or time frame, and specific identifies of the parties Petitioner wished to include in the request. Finally, Respondent asked Petitioner to use the local open records request portal when replying. In a subsequent email to Respondent, Petitioner contested Respondent’s assertion that the request was broad, vague, and ambiguous, claimed that the request did not encompass thousands of cases, and stated that only the records regarding the Fifth Amended Local Rules were implicated.

On September 27, Petitioner filed a petition for review, claiming that it could not find any further response from the Respondent. In a reply to the petition, Respondent stated he personally copied and handed Petitioner a copy of the Local Rules when Petitioner was at the courthouse on a separate records request. Respondent also provided with its reply a letter sent to Petitioner in which Respondent informed Petitioner that Respondent had previously provided copies of the requested rules by referring Petitioner to the county’s website and personally provided a copy of the rules to Petitioner while Petitioner was at Respondent’s office. Respondent’s reply, echoing Respondent’s letter to Petitioner, also confirmed that to Respondent’s knowledge it had no other judicial records responsive to Petitioner’s “unclear request,” as Petitioner had “denied [Respondent’s] request for clarification.”

Under Rule 12.4, judicial records other than those covered by Rule 12.3 (*Applicability*) or Rule 12.5 (*Exemptions from Disclosure*) are open to the general public for inspection and copying during regular business hours. Although Rule 12.8(a) permits a records custodian to deny a request for judicial records where the request would substantially and unreasonably impede the routine operations of the court, we have previously concluded that where a request is overly broad the appropriate response by a records custodian is to give the requestor an opportunity to narrow the scope of the request or provide additional information so the records sought can be identified. *See* Rule 12 Dec. Nos. 18-001, 18-007. Where judicial records responsive to a Rule 12 request are

provided to a requestor, Rule 12 is satisfied. *See* Rule 12 Dec. Nos. 23-004, 23-006, 24-003.

Petitioner's request was for "all records regarding The Fifth Amended (2020) Local Rules of Angelina County for the Timely and Fair Appointment of Counsel for Indigent Defendants." Consistent with Rule 12 Decision Nos. 18-001 and 18-007, Respondent asked Petitioner to narrow its request. Petitioner's response to the clarification request reiterated that "[o]nly records regarding the Fifth Amendment (2020) Local Rules of Angelina County for the Timely and Fair Appointment of Counsel for Indigent Defendants" were implicated in the request, but Petitioner made no other attempts at record specificity beyond stating what records were not sought. Nonetheless, Respondent pointed Petitioner to the local county website for the local rules and provided Petitioner with a hard copy while Petitioner was in Respondent's office. We agree with Respondent that Petitioner's request remains unclear and believe it is overly broad. Because Petitioner has not narrowed its request and because Respondent has provided responsive records that can be identified under the request's terms, we conclude Respondent has satisfied its Rule 12 obligations. Accordingly, the appeal is denied.¹

¹ We have previously concluded that a court's local rules of procedure specifically address the processing of cases, and thus they relate to a court's adjudicative function. We have also concluded that indigent defense plans fall under the umbrella of local rules of procedure and are thus not judicial records. *See, e.g.*, Rule 12.2(d) and Rule 12 Dec. Nos. 09-006, 17-018, 19-016, 19-026. However, because we have concluded that Respondent's Rule 12 obligations have been satisfied, we need not take up whether Rule 12 would be applicable to the records sought by Petitioner.