

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 25-022

RESPONDENT: Chief Justice, Fourteenth Court of Appeals

DATE: December 10, 2025

SPECIAL COMMITTEE: Judge David Evans, Chair; Judge Ana Estevez; Judge Robert Trapp; Judge Sid Harle; Judge Ben Woodward

Petitioner requested from the Clerk of the Fourteenth Court of Appeals the following categories of records:

- All documents, policies, procedures, and rules that govern the assignment of appellate cases between the First and Fourteenth Court of Appeals;
- The “surety bond documentation” for the Clerk of Court and the Deputy Clerk;
- The oath of office for the Clerk of Court and the Deputy Clerk;
- Various records related to Petitioner’s case and another certain case, including internal court records, electronic filings, returned transmissions for non-payment, and any deleted or archived records; and
- Copies of any laws, rules, or policies that govern the filing of items previously returned or rejected.

In response to the request, Respondent noted that it was the custodian of the appellate court’s records and that it would reply to the request. As for the requests:

- Respondent explained that the assignment of cases is governed by statute and local rule and pointed Petitioner to the appropriate legal sources.
- For the surety bond records, Respondent informed Petitioner it did not have records responsive to the request.
- For the oath of office records, Respondent disclosed the oath for the Clerk of Court but informed Petitioner it did not have records responsive to the request for the Deputy Clerk.
- For the various records related to Petitioner’s case and another case, Respondent wrote that (1) certain records were available in the case files available on the Respondent’s website; (2) for certain aspects of the request there were no records responsive to the request and that for other aspects of the request Respondent was not required to create records; and that (3) for the internal court records related to a certain appellate case, the requested records were exempt from disclosure under Rule 12.5.
- Finally, for the laws, rules, or policies governing the filing of items previously returned or

rejected, Respondent directed Petitioner to Texas Rule of Appellate Procedure 9.4(k) and stated it otherwise had no documents responsive to the request.

Petitioner filed a timely petition for review, complaining that the Respondent had not produced the requested oath of office and surety bond requested nor produced requested communications related to a certain case. Respondent did not submit a reply to the petition.

Examined closely, Petitioner's request falls into two Rule 12 record categories: those records rapidly identifiable as "case records" and those that appear to be or that could be "judicial records." Where a record is a case record, Rule 12 does not apply to the record and the special committee can neither grant the petition for the record in whole or in part, nor sustain the denial of access to the record. Rule 12.2(d) defines "judicial record" as follows:

"Judicial record means a record 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. 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." (Later emphasis added.)

Petitioner's request in part seeks records related to specific cause numbers. These records are plainly, under Rule 12.2(d), "created, produced, or filed" in connection with a matter that has been before a court. They are therefore not judicial records; they are case records. For the records related to Petitioner's case and another case, then, the special committee can neither grant the petition in whole or in part nor sustain the denial of access to the requested case records. The special committee notes that, for part of these case records Respondent advanced a Rule 12.5 exemption claim. However, because the exemption was raised in connection to case records, we have no need to consider it.

The remaining records in question — those that appear to be or could be "judicial records" under Rule 12.(d) — can be further divided into those disclosed or not disclosed. Respondent produced the Clerk of Court's oath, but did not have a record responsive to the request for the Deputy Clerk's oath. It likewise lacked records responsive to the request for the surety bond records. And for the remaining records, Respondent either directed Petitioner to sources containing the requested information or informed Petitioner that it had no records responsive to the request. We have previously observed that if a requested record does not exist, a respondent's inability to produce the requested record is not a denial of access to judicial records under Rule 12. *See* Rule 12 Dec. Nos. 17-015, 23-003, 23-010, 25-007, and 25-015. For the remainder of the request, then, Respondent has either produced the record or pointed Petitioner toward sources containing the information or it has stated it lacks records responsive to the request. It has either satisfied its Rule 12 obligations through production or alternatively not denied access to the remaining records.

In sum, for the various records related to Petitioner's case and another case, the records are case records and the special committee can neither grant the petition in whole or in part nor sustain the denial of access to the requested records. And for the balance of the requested records that make up the petition for review, Respondent has either satisfied its Rule 12 obligations or alternatively not denied access to the records. Accordingly, the petition is dismissed.