

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 10-015
RESPONDENT: The Honorable Vera Foreman, Justice of the Peace, Precinct 4, Cherokee County

DATE: October 25, 2010

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Olen Underwood, Judge David Peeples, Judge Dean Rucker, Judge Kelly G. Moore

Petitioner requested copies of several “receipt numbers” from Respondent’s June 2009 report. The request includes a list of receipt numbers and states that it is being requested “as allowed by Open Records laws.”

Respondent denied Petitioner’s request stating that the judiciary is excluded from the Public Information Act and that judicial records are governed by Rule 12 of the Rules of Judicial Administration. Respondent also provided information regarding the procedure for appealing the denial of access to judicial records under Rule 12. Petitioner then filed this appeal.

Unable to determine the nature of the requested records, we requested that Respondent provide a sample of the responsive records for the special committee’s *in camera* review. The responsive records are receipts for payment of court costs and fines.

The threshold issue in a Rule 12 appeal is whether the requested records are “judicial records,” which are defined by Rule 12.2(d) 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.*” (Emphasis added.)

The requested records are receipts for payments made in court cases. Thus, they are case records, not judicial records as defined by Rule 12.2(d), and they are not covered under Rule 12.¹ Accordingly, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records.

¹ We note, however, that case records or court records which are not judicial records within the meaning of Rule 12 may be open pursuant to other law such as the common-law right to public access. *See* Rule 12 Decisions 00-001 and 00-003. We also note that if the requested record had been subject to Rule 12, the fact that Petitioner did not indicate that her request was made under Rule 12 would have been immaterial. “Citizens should be given access to judicial records regardless of whether they are able to invoke the correct ‘magic words’ to gain that access.” Rule 12 Committee Decisions 05-005 and 09-001.