

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

APPEAL NO.: 24-012

RESPONDENT: 7th District Court, Smith County

DATE: October 2, 2024

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge David Evans; Judge Susan Brown; Judge Ray Wheless; Judge Robert Trapp

On August 14, 2024, Petitioner requested from Respondent “all emails related to [a certain name connected to a cause number and Petitioner’s name],” including “all emails from the judges and court coordinators.” Petitioner submitted its request through the Smith County website, and the email subject line of Petitioner’s request contained the same cause number found in the body of its request. In its petition for review, Petitioner wrote that the correspondence it sought “pertains to court settings and pleadings that I was asked to file in my client’s case.” Respondent, in a reply to the petition, indicated it did not object to providing the requested documents to Petitioner, and disclosed in an attachment the responsive documents it had located.

A “judicial record” subject to Rule 12 is one that is “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.) Rule 12.2(d). Petitioner’s request, by Petitioner’s admission is for records related to court settings and pleadings in a court case. Thus, the requested records pertain to Respondent’s adjudicative function and are not “judicial records” as defined by, or subject to, Rule 12. *See* Rule 12 Decisions Nos. 00-001, 03-005, and 11-004.

Because the records at issue are not judicial records under Rule 12, we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records. Accordingly, the appeal is dismissed.