

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 26-003

**RESPONDENT:** Office of Court Administration

**DATE:** April 22, 2026

**SPECIAL COMMITTEE:** Judge David L. Evans, Chairman; Judge Ben Woodward; Judge Ana Estevez; Judge Robert Trapp; Judge Susan Brown

Among a wide range of records, Petitioner requested from Respondent the following:

- “System-Generated Alert Logs (May 1, 2021 – Present): Any and all records, logs, configurations, or ‘Audit Trails’ showing the creation, maintenance, or triggering of automated notifications, email alerts, ‘watchlists,’ or flags associated with [Petitioner’s name and variations thereof]”; and
- “Monitoring Directives: Any internal administrative communications, directives, or digital instructions . . . issued by the First Administrative Judicial Region or the Hon. Ray Wheless to any District Clerk, EFM Manager, or OCA staff requiring ‘Special Handling,’ ‘Immediate Notification,’ or ‘Hold/Review’ status for filings submitted by the names listed above.”

Following a search for responsive records, Respondent produced a spreadsheet it believed might include information sought by Petitioner and otherwise informed Petitioner that it did not possess records responsive to the remaining request categories. Petitioner thereafter clarified its request, seeking to uncover any records “of the administrative infrastructure used to aggregate [Petitioner’s] filings” that “allows judicial staff to monitor my activity as a litigant rather than as a party to a single, isolated case.” Similar to the initial search, Respondent’s follow-up searches did not yield records responsive to the request. Petitioner thereafter filed a petition for review challenging Respondent’s “no records” response, and requesting the special committee order Respondent to produce a “system configuration log” and issue a finding that Respondent’s search was both “legally insufficient” and lacking in “good faith.” In its response to the petition Respondent informed the special committee that, despite layers of searches, it was unable to locate any records responsive to Petitioner’s request. Respondent urged the special committee to deny the appeal, reasoning that it could not produce records that do not exist.

If a requested record does not exist, a respondent’s inability to produce a requested record is not a denial of access to judicial records under Rule 12. *See* Rule 12 Dec. Nos. 17-015, 23-003, 23-006, 23-010, 25-007. Respondent informed Petitioner that it lacked records responsive to the request, even after several searches for records. Respondent also informed the special committee that it lacked records responsive to Petitioner’s request. There being no records responsive to the request after multiple searches, then, the appeal is dismissed.<sup>1</sup>

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<sup>1</sup> Under Rule 12.9(j)(2), a special committee is limited to either granting the petition in whole or in part, or sustaining a denial of access to a requested judicial record. Accordingly, the special committee declines to entertain Petitioner’s varying relief invitations.