

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 26-020

RESPONDENT: Justice of the Peace, Place 1, Harris County

DATE: September 23, 2026

SPECIAL COMMITTEE: Judge David Evans, Chair; Judge Ray Wheless; Judge Dib Waldrip; Judge Kirsten Cohoon; Judge Ben Woodward

Petitioner requested from Respondent (1) records relating to a certain case, (2) certain court policies, procedures, and training materials, (3) judicial and staff continuing education records, and (4) various administrative and personnel records maintained by the Respondent. Petitioner filed a petition for review alleging “constructive denial” of its request on the grounds that Respondent failed to reply to its request. In its reply to the petition, Respondent informed the special committee that it had otherwise disclosed records responsive to Petitioner’s request or did not have records responsive to Petitioner’s request.

We initially address Petitioner’s appeal as it concerns the first category of records requested. As we have stated in many opinions, the threshold issue in a Rule 12 appeal is whether the requested records are “judicial records,” which are defined by Rule 12.2(d):

“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.”

A record created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. *See* Rule 12.2(d). Such records are case records. *See* Rule 12 Dec. No. 00-001. For the first category of records requested by Petitioner, which by Petitioner’s own terms “relate to” a certain case involving Petitioner, the records are case records, not judicial records. Thus, the special committee can neither grant the petition (in whole or in part) nor sustain any denial of access to these records and the petition is dismissed as to these records.

As for the remainder of the request items, Respondent informed the special committee that it either has produced records responsive to the request or lacks records responsive to the request. Two principles govern the remainder of these request items. First, when judicial records responsive to a Rule 12 request are provided to a requestor, Rule 12 is considered satisfied. *See* Rule 12 Dec. Nos. 18-004, 23-004, 23-006, 24-003, 24-015. Second, 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, 26-004. With Respondent either having produced records responsive to the request or otherwise lacking records

responsive to the request, there remains nothing to resolve in this appeal. Accordingly, then, the remainder of the appeal is also dismissed.