

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 26-029

RESPONDENT: Collin County District Court Judges

DATE: October 14, 2026

SPECIAL COMMITTEE: Judge David Evans, Chair; Judge Robert Trapp; Judge Sid Harle; Judge Ana Estevez; Judge Alfonso Charles

In late July 2026, counsel for Petitioner demanded the District Court Judges of Collin County (Respondents) take certain actions to preserve records and evidence connected to matters raised in the letters sent to Respondents. On August 6, 2026, Petitioner requested from Respondents various records reflecting the steps taken to comply with the July preservation demand. Petitioner's counsel further demanded that, if no action was taken or if there were not any responsive records, Respondents state that fact. The Local Administrative Judge (LAJ) for the Respondents stated that it was not aware of any "judicial records" responsive to the request. Petitioner timely filed a petition for review. In response to the petition, Respondents reiterated to the special committee that they lacked judicial records responsive to Petitioner's request.

Respondent has informed the special committee that it lacks judicial records responsive to Petitioner's August request. 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 and the Rule 12 appeals process does not apply to the request. *See, e.g.*, Rule 12 Dec. Nos. 17-015, 17-020, 23-003, 23-006, 23-010, 25-007, 26-003, 26-004, 26-021. But even if there were responsive *judicial records* here, the records would be exempt from disclosure under Rule 12.5(j) (*Litigation or Settlement Negotiations*). Rule 12.5(j) exempts from disclosure:

Any *judicial record* relating to civil or criminal litigation or settlement negotiations: (1) *in which a court or judicial agency is or may be a party*; or (2) in which a judicial officer or member of a judicial agency is or may be a party as a consequence of the person's office or employment.

Where, in anticipation of litigation, a petitioner advances a preservation demand or spoliation warning to a records custodian in connection with a set of records, that notice extends Rule 12.5(j) to *any* record reflecting implementation of the preservation demand or spoliation warning. *See, e.g.*, Rule 12 Dec. Nos. 11-014, 11-015, 15-018, 21-001, 22-005. Rule 12 is not a litigation mechanism, *see* Rule 12 Dec. No. 23-012, and despite Petitioner's plain attempt to use Rule 12 as a backdoor discovery tool, Rule 12.5(j) would cover any record implicated by Petitioner's request.

Accordingly, the appeal is dismissed.