



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

November 14, 2017

Crystal Russell
1211 CR 3103
Greenville, TX 75402

Re: Notice of Dismissal - Rule 12 Appeal No. 17-022

Dear Ms. Russell:

The Special Committee for Review of Petitions for Access to Case Records has confirmed that the enclosed petition for review that you filed with the Office of Court Administration is not for the relief from denial of access to judicial records as defined by Rule 12. Therefore, the Special Committee has dismissed the petition.

We regret that we are unable to assist you.

Sincerely,

A handwritten signature in blue ink that reads "David Slayton".

David Slayton

Enclosures: Petition for Review
Order Dismissing Petition

Cc: The Honorable Ellen Jagers (w/enclosure)
District Clerk, Franklin County
200 N. Kaufman Street
Mt. Vernon, TX 75457



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

October 24, 2017

Crystal Russell
1211 CR 3103
Greenville, TX 75402

The Honorable Ellen Jagers
District Clerk, Franklin County
200 N. Kaufman Street
Mt. Vernon, TX 75457

Re: Rule 12 Petition for Review – No. 17-022

Dear Ms. Russell and Ms. Jagers:

The Office of Court Administration has received the attached petition for review of denial of access to judicial records under Rule 12 of the Rules of Administration. It has been assigned number 17-022.

Rule 12.2(d) defines a “judicial record” as a record that is made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to the court’s or agency’s adjudicative function, regardless of whether that function relates to a specific case. A record that is created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record under Rule 12. Records pertaining to a court’s adjudicative function are not judicial records covered by Rule 12; they are case records. The appeal process provided by Rule 12 does not apply to the denial of access to case records.

From the face of the attached petition, it appears that the records Ms. Russell seeks are case records, **not** “judicial records” under Rule 12. When OCA receives a petition that appears to be for the relief of denial of access to case records, OCA has been directed by the Presiding Judges of the Administrative Judicial Regions to forward the petition to the special committee selected by the Presiding Judges to confirm OCA’s conclusion. Enclosed is a copy of the October 13, 2017 Directive Regarding Petitions for Access to Case Records that explains this process. You have 14 days from the date of this letter to submit additional information for the special committee’s review explaining why you believe your petition involves access to judicial records.

We will notify you once OCA receives notice from the special committee regarding OCA's conclusion.

Sincerely,



David Slayton

Enclosures: Petition for Review
October 13, 2017 Directive Regarding Petitions for Access to Case Records
Order Appointing Special Committee for Review of Petitions for Access to Case Records

cc: Special Committee for Review of Petitions for Access to Case Records (w/petition only)

**BEFORE THE PRESIDING JUDGES
OF THE ADMINISTRATIVE JUDICIAL REGIONS**

Rule 12 Review of Denial of Access to Judicial Records

DISMISSAL

Appeal No.: 17- 022

Respondent: Franklin County District Clerk

Special Committee for Review of Petitions for Access to Case Records:

Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge Olen Underwood
Judge Billy Ray Stubblefield; Judge Dean Rucker

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). Records that pertain to a court’s adjudicative function are not judicial records covered by Rule 12; they are case records.

The Special Committee has reviewed the petition and concluded that the records at issue in this appeal are not judicial records under Rule 12. Accordingly, the presiding judges of the administrative judicial regions are without authority to grant the petition in whole or in part or sustain the denial of access to the requested record(s) and the petition must be dismissed.

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. Additionally, the fact that a record is not subject to Rule 12 is not a basis for withholding records.

Signed this 14th day of November 2017.



Stephen B. Ables



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

1March 20, 2018

Mr. Michael Villasana
Lozano Law Offices, P.C.
604 E. Highway 6
Alvin, TX 77511

Re: Notice of Dismissal - Rule 12 Appeal No. 18-002

Dear Mr. Villasana:

The Special Committee for Review of Petitions for Access to Case Records has confirmed that the enclosed petition for review that you filed with the Office of Court Administration is not for the relief from denial of access to judicial records as defined by Rule 12. Therefore, the Special Committee has dismissed the petition.

We regret that we are unable to assist you.

Sincerely,

A handwritten signature in blue ink that reads "David Slayton".

David Slayton

Enclosures: Petition for Review
Order Dismissing Petition

Cc: The Honorable Michael A. Culling (w/enclosure)
Presiding Judge, City of Manvel's Municipal Court
PO Box 190
Manvel, TX 77578



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

February 22, 2018

Mr. Michael Villasana
Lozano Law Offices, P.C.
604 E. Highway 6
Alvin, TX 77511

The Honorable Michael A. Culling
Presiding Judge, City of Manvel's Municipal Court
PO Box 190
Manvel, TX 77578

Re: Rule 12 Petition for Review – No. 18-002

Dear Mr. Villasana and Judge Culling:

The Office of Court Administration has received the attached petition for review of denial of access to judicial records under Rule 12 of the Rules of Administration. It has been assigned number 18-002.

Rule 12.2(d) defines a “judicial record” as a record that is made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to the court’s or agency’s adjudicative function, regardless of whether that function relates to a specific case. A record that is created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record under Rule 12. Records pertaining to a court’s adjudicative function are not judicial records covered by Rule 12; they are case records. The appeal process provided by Rule 12 does not apply to the denial of access to case records.

From the face of the attached petition, it appears that the records Mr. Villasana seeks are case records, **not** “judicial records” under Rule 12. When OCA receives a petition that appears to be for the relief of denial of access to case records, OCA has been directed by the Presiding Judges of the Administrative Judicial Regions to forward the petition to the special committee selected by the Presiding Judges to confirm OCA’s conclusion. Enclosed is a copy of the October 13, 2017 Directive Regarding Petitions for Access to Case Records that explains this process and a copy of the Order Appointing the Special Committee. You have 14 days from the date of this letter to submit additional information for the special committee’s review explaining why you believe your petition involves access to judicial records.

We will notify you once OCA receives notice from the special committee regarding OCA's conclusion.

Sincerely,



David Slayton

Enclosures: Petition for Review

October 13, 2017 Directive Regarding Petitions for Access to Case Records

Order Appointing Special Committee for Review of Petitions for Access to Case Records

cc: Special Committee for Review of Petitions for Access to Case Records (w/petition only)

**BEFORE THE PRESIDING JUDGES
OF THE ADMINISTRATIVE JUDICIAL REGIONS**

Rule 12 Review of Denial of Access to Judicial Records

DISMISSAL

Appeal No.: 18- 002

Special Committee for Review of Petitions for Access to Case Records:

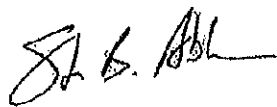
Judge Stephen B. Ables, Chair; Judge Mary Murphy; Judge Olen Underwood; Judge Billy Ray Stubblefield; Judge Dean Rucker

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). Records that pertain to a court’s adjudicative function are not judicial records covered by Rule 12; they are case records.

The Special Committee has reviewed the petition and concluded that the records at issue in this appeal are not judicial records under Rule 12. Accordingly, the presiding judges of the administrative judicial regions are without authority to grant the petition in whole or in part or sustain the denial of access to the requested record(s) and the petition must be dismissed.

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. Additionally, the fact that a record is not subject to Rule 12 is not a basis for withholding records.

Signed this 20th day of March 2018.



Judge Stephen B. Ables



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

March 28, 2018

Mr. Scott Flowers *via email: sctoday@att.net and U.S. Mail*
Shelby County Today
PO Box 64
Center, TX 75935

Mr. Miles T. Bradshaw *via email: mbradshaw@kblawgroup and U.S. Mail*
Attorney, City of Tenaha
315 N. Church St.
Nacogdoches, TX 75961

Re: Rule 12 Petition for Review – No. 18-003

Dear Mr. Flowers and Mr. Bradshaw:

The Office of Court Administration has received the attached petition for review of denial of access to judicial records under Rule 12 of the Rules of Administration. It has been assigned number 18-003.

Rule 12.2(d) defines a “judicial record” as a record that is made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to the court’s or agency’s adjudicative function, regardless of whether that function relates to a specific case. A record that is created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record under Rule 12. Records pertaining to a court’s adjudicative function are not judicial records covered by Rule 12; they are case records. The appeal process provided by Rule 12 does not apply to the denial of access to case records.

From the face of the attached petition, it appears that the records Mr. Flowers seeks are case records, **not** “judicial records” under Rule 12. When OCA receives a petition that appears to be for the relief of denial of access to case records, OCA has been directed by the Presiding Judges of the Administrative Judicial Regions to forward the petition to the special committee selected by the Presiding Judges to confirm OCA’s conclusion. Enclosed is a copy of the October 13, 2017 Directive Regarding Petitions for Access to Case Records that explains this process and a copy of the Order Appointing the Special Committee. You have 14 days from the date of this letter to submit additional information for the special committee’s review explaining why you believe your petition involves access to judicial records.

We will notify you once OCA receives notice from the special committee regarding OCA's conclusion.

Sincerely,



David Slayton

Enclosures: Petition for Review
October 13, 2017 Directive Regarding Petitions for Access to Case Records
Order Appointing Special Committee for Review of Petitions for Access to Case Records

cc: Special Committee for Review of Petitions for Access to Case Records (w/petition only)
The Honorable Elizabeth Swint, City of Tenaha
Ms. Natalie Harris, Mayor Pro Tem, City of Tenaha



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

April 16, 2018

Mr. Scott Flowers *via email: sctoday@att.net and U.S. Mail*
Shelby County Today
PO Box 64
Center, TX 75935

Re: Notice of Dismissal - Rule 12 Appeal No. 18-003

Dear Mr. Flowers:

The Special Committee for Review of Petitions for Access to Case Records has confirmed that the enclosed petition for review that you filed with the Office of Court Administration is not for the relief from denial of access to judicial records as defined by Rule 12. Therefore, the Special Committee has dismissed the petition.

We regret that we are unable to assist you.

Sincerely,

A handwritten signature in blue ink that reads "David Slayton".

David Slayton

Enclosures: Petition for Review
 Order Dismissing Petition

Cc: Mr. Miles T. Bradshaw *via email: mbradshaw@kblawgroup.com*
 The Honorable Elizabeth Swint, City of Tenaha
 Ms. Natalie Harris, Mayor, City of Tenaha

**BEFORE THE PRESIDING JUDGES
OF THE ADMINISTRATIVE JUDICIAL REGIONS**

Rule 12 Review of Denial of Access to Judicial Records

DISMISSAL

Appeal No.: 18 - 003

Special Committee for Review of Petitions for Access to Case Records:

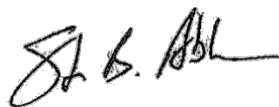
Judge Stephen B. Ables, Chair; Judge Olen Underwood; Judge Billy Ray Stubblefield; Judge Dean Rucker; Judge Kelly G. Moore

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). Records that pertain to a court’s adjudicative function are not judicial records covered by Rule 12; they are case records.

The Special Committee has reviewed the petition and concluded that the records at issue in this appeal are not judicial records under Rule 12. Accordingly, the presiding judges of the administrative judicial regions are without authority to grant the petition in whole or in part or sustain the denial of access to the requested record(s) and the petition must be dismissed.

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. Additionally, the fact that a record is not subject to Rule 12 is not a basis for withholding records.

Signed this 16th day of April 2018.



Judge Stephen B. Ables