

Tex. Atty. Gen. Op. OR2012-16267 (Tex.A.G.), 2012 WL 5214849

Office of the Attorney General

State of Texas

Informal Letter Ruling No. OR2012-16267

October 11, 2012

*1 Ms. Angelia Orr
District Clerk
Hill County
P.O. Box 634
Hillsboro, Texas 76645

Dear Ms. Orr:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the “Act”), chapter 552 of the Government Code. Your request was assigned ID # 467621.

The Hill County District Clerk's Office (the “district clerk's office”) received a request for a list of certain Jury Commissioners, and a list of the jurors who were called, picked, or served as alternates on a specified date. You ask whether the requested information is excepted from disclosure. We have considered your arguments and reviewed the submitted information.

The Act generally requires the public disclosure of information maintained by a “governmental body.” While the Act's definition of a “governmental body” is broad, it specifically excludes the judiciary. *See* Gov't Code § 552.003(1)(B). In determining whether a governmental entity falls within the judiciary exception of the Act, this office looks to whether the entity is acting in a judicial capacity or solely in an administrative capacity. *See* Open Records Decision No. 646 at 2-3 (1996) (citing *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.—San Antonio 1983, no writ)).

Chapter 62 of the Government Code, which deals with the judicial branch, provides for the compilation of a list of prospective jurors. *See* Gov't Code §§ 62.001-62.011 (detailing jury list selection methods such as a jury wheel and electronic or mechanical selection). Section 62.012 of the Government Code provides the following:

(a) When a justice of the peace or a county or district judge requires a jury for a particular week, the judge, within a reasonable time before the prospective jurors are summoned, shall notify the county clerk, for a county court jury, or the district clerk, for a justice or district court jury, to open the next consecutively numbered envelope containing a jury list that is in the clerk's possession and has not been opened. The judge shall also notify the clerk of the date that the prospective jurors are to be summoned to appear for jury service.

(b) On receiving the notice from the judge, the clerk shall immediately write on the jury list the date that the prospective jurors are to be summoned to appear and shall deliver the jury list to:

(1) the sheriff, for a county or district court jury; or

(2) the sheriff or constable, for a justice court jury.

Id. § 62.012. In Open Records Decision No. 433 (1986), this office determined a list of prospective grand jurors is a record of the judiciary because the list is “compiled, and at virtually all times is maintained, by the jury commissioners, the district judge, or the court clerk, all of whom are part of the judiciary or agents thereof.” ORD 433 at 2-3. Likewise, the district clerk's office maintains a jury list on behalf and at the direction of the judiciary. Further, a prospective jury list is created and maintained

solely for judicial purposes. Thus, we conclude the submitted information constitutes a record of the judiciary under section 552.003. Accordingly, the district clerk's office is not required to release the requested information pursuant to the Act.¹

*2 This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,

Kathleen J. Santos
Assistant Attorney General
Open Records Division

Footnotes

- 1 Because the submitted information is a record of the judiciary, it is outside the scope of the Act. Therefore, we do not address whether the submitted information must be released pursuant to the [Attorney General Opinion GA-0422 \(2006\)](#).
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