



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

The Honorable James A. Holley
Judge
Justice Court, PCT # 1
Angelina County
P.O. Box 43
Lufkin, Texas 75902-0043

OR95-1018

Dear Judge Holley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35627.

The Justice Court for Precinct No. 1 received a request for any and all information relating to a Clifton Wayne Tobias dating from January 1972. You assert that chapter 552 of the Government Code does not apply to the judiciary.

We agree. *See* Gov't Code § 552.003(b).¹ Although the judiciary is not subject to chapter 552, Texas courts have long recognized a common-law right to copy and inspect certain judicial records. *Open Records Decision No. 618 (1993)*. Accordingly, the requested information is not subject to public disclosure under chapter 552 of the Government Code. However, the records may be subject to disclosure under statutory law governing justice courts or the common law. *See, e.g.,* Gov't Code § 27.004.

¹We note that although you raise your arguments under House Bill 1718, the changes to the open records and public information laws do not affect this request for information. The changes in law made by House Bill 1718 apply only to a request for information that is received by a governmental body on or after September 1, 1995. Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 26, 1995 Tex. Sess. Law Serv. 5142 (Vernon). Requests for information received before September 1, 1995, are governed by the law in effect at the time the requests are made. *Id.*

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive style with a large initial "L".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/LBC/rho

Ref: ID# 35627

cc: Mr. Harold Buswell
Licensed Manager
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