



August 11, 1999

Ms. Portia Poindexter  
First Assistant County Attorney  
Fort Bend County  
301 Jackson, Suite 621  
Richmond, Texas 77469-3108

OR99-2281

Dear Ms. Poindexter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128241.

The Fort Bend County Court at Law Number Two (the "court") received a request for certain motions and orders. You claim that the court is not subject to the Public Information Act under section 552.003 and that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your arguments and reviewed the submitted information.

It appears that the requestor is seeking records of the judiciary. The Public Information Act does not apply to records of the judiciary. *See* Gov't Code § 552.003(1)(B). The Public Information Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. Attorney General Opinion DM-166; Open Records Decision No. 25 (1974). Accordingly, the Public Information Act does not require you to provide the requestor with the information that he has requested.<sup>1</sup>

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<sup>1</sup>We note, however, that Texas courts have recognized a common-law right of the public to copy and inspect records of the judiciary. *See Davenport v. Garcia*, 834 S.W.2d 4, 24 (Tex. 1992); Attorney General Opinion DM-166 (1992) (historical perspective of right of public access to records of judiciary); Open Records Decision No. 618 (1993). Also, records held by county clerks are open to public inspection pursuant to other statutory law. Local Gov't Code § 191.006.

Because section 552.003 of the Government Code is dispositive, we need not address your section 552.101 claim. If you have any questions about this letter, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Sue M. Lee". The signature is written in a cursive style with a long horizontal flourish at the end.

Sue M. Lee  
Assistant Attorney General  
Open Records Division

SML\nc

Ref: ID#

encl: Submitted documents

cc: Mr. P.M. Clinton  
International Investigations, Inc.  
P.O. Box 801141  
Houston, Texas 77280  
(w/o enclosures)