



## **Council of Judges Administration**

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### **El Paso Council of Judges Confidentiality Policy In compliance with Texas Rule of Judicial Administration 7.1 Adopted February 29, 2024**

**Confidentiality.** Preserving the confidentiality of the Court's documents and private deliberations is crucial to the Court's work. Confidentiality furthers the ability of judges and judicial staff to communicate openly and honestly and to reach legally correct outcomes for litigants. Confidentiality also builds public respect for the judiciary and impresses on others the gravity of the judicial process. Any breach of confidentiality betrays not only the Court and the individuals who work here, but also the public's interest in thorough, considered justice.

- 1. Application.** This policy applies to all judges and court employees of the District, County, and Probate Courts, and employees of the El Paso Council of Judges Administration and El Paso County Courts Administration.
- 2. Confidential information defined.** Confidential information includes:
  - a. drafts of orders or opinions not yet released, internal memoranda, emails between judges or staff, and any other document not intended for public use or dissemination;
  - b. conversations between judges or court staff about litigants or cases pending before, previously before, or expected to come before the Court;
  - c. the private views of judges or court staff concerning litigants, pending cases, disposed cases, or anticipated cases;
  - d. the timing of order release, and any other procedural mechanism not ordinarily public;
  - e. documents submitted by litigants under seal; and
  - f. other information, however communicated, that is not authorized to be made public by the judge of a court.
- 3. Duty of confidentiality.**
  - a. Every judicial officer and employee owes a duty of confidentiality to the court and the Judiciary.
  - b. Confidential information must not be shared with persons not employed within the Court, except as authorized by the judge or when disclosure is necessary to report misconduct or illegal acts. Employees must refrain from

commenting about cases that are or may come before the Court to family, friends, or acquaintances.

- c. The employee's duty persists even after employment ends. Former employees should not discuss or disclose confidential information beyond a referral to a court, the Council of Judges Administration, or County Court Administration.
- d. No employee should retain confidential records or material once employment ends.

**4. When disclosure of confidential information is authorized.** Authorized disclosure of confidential information includes:

- a. Disclosure authorized by a judge to a specific person or organization;
- b. Drafts of administrative policies, rules or orders shared for review or comment; and
- c. Specific case information relating to case status as part of the employee's job duties, provided that internal, confidential deliberations are not disclosed.

**5. Laws governing disclosure of confidential court information.**

This policy is promulgated pursuant to Texas Government Code Section 21.013, Texas Penal Code Section 39.06, Texas Rules of Judicial Administration Section 7.1 and the Canons of Judicial Conduct, Canon 3B.

**6. Penalties for disclosure of confidential information.** Potential disciplinary actions may include but are not limited to:

- a. Referral of the matter to the relevant law enforcement agency for investigation and prosecution. See Texas Government Code Section 21.013 and Texas Penal Code Section 39.06 (attached in Appendix A);
- b. Discipline up to and including termination of employment;
- c. For judges, referral to the State Commission on Judicial Conduct for disciplinary action.
- d. For attorneys, referral to the State Bar of Texas or of other states for discipline and possible loss of the privilege to practice before Texas or other courts; and
- e. For law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law.

**7. Negligent or accidental disclosure.**

Employees who accidentally disclose confidential information have a duty to promptly report the disclosure to the affected judge, their supervisor (if the

affected judge is not the supervisor), or the county or district court administrator, so that mitigation can be attempted.

There may be consequences to negligent disclosure of confidential information depending on the degree of negligence and the repercussions of the violation.

**8. Distribution and training.**

- a. New court staff and department members must acknowledge this policy and train on it before beginning any substantive work for the court or judicial department.
- b. Each court must provide the policy to all existing court staff at least biannually.
- c. The directors of the Council of Judges Administration and the County Court Administration must provide the policy to all existing department staff at least biannually.

**I have read and reviewed the above policy and the attachments referenced in the policy.**

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**Employee Signature**

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**Date**

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**Employee Printed Name**

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**Position**

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**Court or Agency**