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O-12-002

In the County Courts at Law of Hays County, Texas

ADMINISTRATIVE ORDER REGARDING CONFIDENTIAL INFORMATION POLICY FOR THE COUNTY COURTS AT LAW

To ensure the integrity of judicial operations and the protection of sensitive information, it is essential that all court personnel understand their legal and ethical obligations regarding confidential information. This Administrative Order establishes the Hays County Court at Law's Confidential Information Policy in accordance with applicable state law, including Texas Rule of Judicial Administration 7, Section 21.013 of the Texas Government Code, and Section 39.06 of the Texas Penal Code. This policy is binding on all court staff and is designed to promote accountability, transparency, and professionalism in the handling of confidential court matters.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Applicability.

This policy applies to all County Court at Law staff, including:

a) Bailiffs;
b) Court Coordinators;
c) Court Reporters;
d) Interns, Externs, Paralegals, and Law Clerks;
e) Judges;
f) Staff Attorneys;
g) Temporary or part-time employees;
h) Volunteers;
i) Any individual granted access to confidential court information through their role or function within the Courts.

2. Definition of Confidential Information.

"Confidential information" includes without limitation:

a) Non-public case records and filings;
b) Sealed court documents;
c) Draft judicial orders or opinions;
d) Personal identifying information (PII) of parties, jurors, witnesses, or court staff;
e) Judicial deliberations and communications;
f) Information deemed confidential by statute, rule, or order of the court.

3. Continuing Duty of Confidentiality.

All court staff are under a continuing duty to maintain the confidentiality of information obtained during the course of employment. This duty extends beyond the termination of employment or service with the Courts.

4. Authorized Disclosure.

Disclosure of confidential information is permitted only:

a) When expressly authorized by law or court order;
b) When necessary for the proper performance of official court duties and under the supervision of the judge;
c) With the prior written approval of the presiding judge.

Unauthorized disclosure, regardless of intent, is strictly prohibited.

5. Applicable Law.

Texas Government Code §21.013.

(a) In this section:
  (1) "Judicial work product" means written, electronic, or oral material prepared or communications made in the course of an adjudicatory proceeding before a court determining legal rights, powers, duties, or privileges. The term includes all drafts of opinions or orders and memoranda of law. The term does not include information related to a person who is required to submit to electronic monitoring of a person's location as part of an electronic monitoring program under Article 42.035, Code of Criminal Procedure, or as a condition of community supervision, parole, mandatory supervision, or release on bail.
  (2) "Non-public judicial work product" means:
    (A) any written or electronic judicial work product other than documents filed with the clerk of a court for release to the public; or
    (B) any oral statement relating to judicial work product made in a closed session of a court or in judicial chambers.

(b) This section applies to:
  (1) a court established under Section 1, Article V, Texas Constitution, other than a commissioners court; and
  (2) a court subject to this subtitle.

(c) A justice or judge of a court shall comply with supreme court rules governing the confidentiality of non-public judicial work product.

(d) A person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, including a court staff attorney, court clerk, or law clerk, shall maintain the confidentiality of all non-public judicial work product in accordance with supreme court rules.

(e) A person, other than a justice or judge, with access to non-public judicial work product commits an offense if the person knowingly discloses, wholly or partly, the contents of any non-public judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, employee of an agency established under Chapter 71 or 72, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding.

(f) An offense under this section is a Class A misdemeanor.
(g) It is a defense to prosecution under this section that the disclosure of the non-public judicial work product is authorized:
    (1) in writing by the justice or judge for whom the work product is prepared; or
    (2) under supreme court rules.

Texas Penal Code §39.06.

(a) A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person:
    (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
    (2) speculates or aids another to speculate on the basis of the information; or
    (3) as a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.
(b) A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that:
    (1) he has access to by means of his office or employment; and
    (2) has not been made public.
(c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he solicits or receives from a public servant information that:
    (1) the public servant has access to by means of his office or employment; and
    (2) has not been made public.
(d) In this section, "information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code.
(e) Except as provided by Subsection (g), an offense under this section is a felony of the third degree.
(f) Repealed by Acts 2025, 89th Leg., R.S., Ch. 397 (H.B. 2001), Sec. 2, eff. September 1, 2025.
(g) If the commission of an offense under this section results in a net pecuniary gain to the person committing the offense, the offense is:
    (1) a felony of the third degree if the net pecuniary gain is less than $150,000;
    (2) a felony of the second degree if the net pecuniary gain is $150,000 or more but less than $300,000; or
    (3) a felony of the first degree if the net pecuniary gain is $300,000 or more.

6. Negligent or Accidental Disclosure.

Even unintentional or accidental disclosure of confidential information may result in disciplinary action. Staff must immediately report any suspected or actual breach to the judge or designated supervisor for prompt investigation and mitigation.

7. Potential Penalties for Unauthorized Disclosure.

Violations of this policy may result in one or more of the following consequences:
a) Referral to law enforcement for criminal investigation and prosecution;
b) Termination of employment or removal from the court;

c) If the offender is a licensed attorney, referral to the State Bar of Texas or the State Bar of the jurisdiction in which they are licensed for disciplinary action;
d) If the offender is a law student, referral to the Texas Board of Law Examiners for consideration regarding eligibility to practice law.

8. Written Acknowledgement Required.

All court staff must sign a written acknowledgment indicating receipt of this policy and agreeing to comply with its terms. A copy of the acknowledgment will be kept in the court's personnel files.

9. Distribution & Training.

a) New Staff. Must receive a copy of this policy and complete required confidentiality training before engaging in any substantive work for the court.
b) Existing Staff. Shall be reissued a copy of this policy at least once every other year, with a requirement for re-acknowledgement of receipt.

THIS HAYS COUNTY ADMINISTRATIVE ORDER REGARDING CONFIDENTIAL INFORMATION POLICY FOR THE COUNTY COURTS AT LAW SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION ON THE OFFICE OF COURT ADMINISTRATION'S WEBSITE

Judge Jimmy Alan Hall
County Court at Law No. 1
Hays County, Texas

Judge Chris Johnson
County Court at Law No. 2
Hays County, Texas

Judge Elaine S. Brown
County Court at Law No. 3
Hays County, Texas