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LAURA RICHARD, County Clerk
By [Signature]

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FORT BEND COUNTY COUNCIL OF JUDGES

Confidentiality Policy and Agreement

Adopted in compliance with Texas Rule of Judicial Administration 7.1

This confidentiality policy and agreement, adopted by the Council of Judges of Fort Bend County incorporates the Canons as well as the statutory penalties of both Texas Government Code Section 21.013 and Texas Penal Code Section 39.06. This policy applies to all Court staff, including Courts Administration, interns, volunteers and contractors who provide services to the Courts.

Acknowledged this the 30 day of April, 2024.

District Court Judges:

[Signature]

Hon. Surendran Pattel
Judge, 240th District Court

[Signature]

Hon. Steve Rogers
Judge, 268th District Court

[Signature]

Hon. Monica Rawlins
Judge, 328th District Court

[Signature]

Hon. Janet Heppard
Judge, 387th District Court

[Signature]

Hon. Tameika Carter
Judge, 400th District Court
Local Administrative District Judge

[Signature]

Hon. Christian Becerra
Judge, 434th District Court

[Signature]

Hon. Chad Bridges
Judge, 458th District Court

[Signature]

Hon. Kali Morgan
Judge, 505th District Court

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County Court at Law Judges:

[Signature]

Hon. Christopher G. Morales
Judge, Fort Bend County Court at Law No. 1

[Signature]

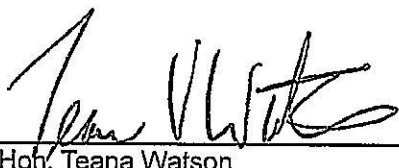
Hon. Juli Mathew
Judge, Fort Bend County Court at Law No. 3

[Signature]

Hon. Tyra Jones McCollum
Judge, Fort Bend County Court at Law No. 2

[Signature]

Hon. Toni Wallace
Judge, Fort Bend County Court at Law No. 4



Hon. Teana Watson
Judge Fort Bend County Court at Law No. 5
Admin. Judge, County Courts at Law



Hon. Dean Hibacek
Judge, Fort Bend County Court at Law No. 6

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Court Confidentiality Policy and Agreement

Employees of the Fort Bend County District, County, and Courts Administration occupy positions of public trust. In the course of your duties, you will encounter confidential information about the prospective disposition of cases and the inner workings of the Court.

Preserving the confidentiality of the Court's documents and private deliberations is crucial to the Court's work. More specifically, confidentiality furthers the ability of judges and judicial staff to communicate openly and honestly and to reach the most 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 would betray not only the Court and the individuals who work here, but also the public's interest in thorough, considered justice.

Confidentiality has long been an expectation within Texas courts. Canon 3B(10) of the Texas Code of Judicial Conduct demands that judges and court staff refrain from "public comment about a pending or impending proceeding which may come before the judge's court." Canon 3B(11) of the Texas Code of Judicial Conduct provides that "[t]he discussions, votes, positions taken, and writings of appellate judges and court personnel about causes are confidences of the court and shall be revealed only through a court's judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project."

Texas Government Code Section 21.013 creates a Class A misdemeanor criminal offense for the unauthorized disclosure of non-public judicial work product, stating "[a] person . . . 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" Additionally, Texas Penal Code Section 39.06 criminalizes the misuse of official information by a public servant who "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", with penalties ranging from a Class C misdemeanor to a felony of the third degree.

1. **Protection of information.** Confidential information must not be shared with persons not employed within the Court, except as provided in Section 3 below. Employees must refrain from commenting about cases that are or may come before the Court to family, friends, or acquaintances.
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;
 - b) conversations between judges or court staff about litigants or cases before, previously before, or expected to come before the Court;
 - c) the private views of judges or court staff concerning the disposition of cases, litigants, anticipated cases, or each other;
 - d) the timing of order release and any other procedural mechanism not ordinarily public;
 - e) documents properly filed under seal by litigants or counsel; and
 - f) other information, however communicated, that is not authorized to be made public.
3. **Disclosures of confidential information.**
 - a) **Intentional disclosure** of confidential information outside of the boundaries of (1) above, may be met with maximum disciplinary action. See (5) below.
 - b) **Negligent or accidental disclosure** is an extremely serious matter that may, but will not necessarily, be met with penalties as described in (5) below. There may be consequences to negligent disclosure of confidential information depending on the degree of negligence and the repercussions of the violation. Employees who accidentally disclose confidential information have a duty to promptly report the disclosure to their supervisor, appointing authority, or human resources department so that mitigation can be attempted.

Employees are expected to exercise their discretion and judgment to minimize the risk of inadvertent disclosure. For example, employees should refrain from communicating about sensitive matters in crowded or public spaces where others may overhear, even within the

public areas of the Court. Employees should use court-issued, password-protected equipment to transmit confidential documents. Employees should be mindful of who can see their screen when working at home, on aircraft, public transit, or in public spaces. Employees should carefully keep track of and password protect electronic devices containing confidential information and immediately report any loss or theft of those devices.

- c) **Authorized disclosure** occurs when the Judge who supervises the employee authorizes the employee to share work product with a specific person or organization. For example, employees may be authorized to share draft rules or administrative orders with other judicial branch entities for review and comment before they are released to the public. An employee may be authorized to disclose information relating to case status as part of their job duties, provided the Court's internal confidential deliberations are not disclosed.
 - d) **Disclosure as necessary to report misconduct or illegal acts** is permitted. Employees may disclose confidential information when such disclosure is necessary to adequately report to an appropriate authority the misconduct or illegal acts of any person, including sexual or other forms of harassment.
4. **Continuing confidentiality obligation.** An employee's duty to preserve confidentiality survives the employee's departure from the Court. An employee who leaves the Court has the same ongoing duty to protect confidential information that they had during their employment.

The duty to protect information related to the disposition of cases, such as the substance of the Court's deliberations, persists even after an order is released or a matter is resolved. Employees asked about a decisions of the Court should offer no comment beyond a referral to publicly released material.

Employees who depart from Court employment may not retain confidential materials. Employees should return or securely dispose of materials, such as in designated Court shredding bins, prior to an anticipated departure, or as soon as possible after an unanticipated departure.

5. **Penalties for unauthorized disclosure.** In the event of an unauthorized disclosure of confidential information, the Court will investigate the circumstances and take appropriate disciplinary action, as necessary. 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;

- b) termination of employment;
 - c) 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
 - d) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law.
- .
6. **Distribution and training.** The Courts must:
- a) Provide the policy and train on it before new court staff members begins any substantive work for the court;
 - b) Provide the policy to all existing court staff at least biannually.
7. **Acknowledgement.** Please acknowledge your understanding and agreement to this policy by signing below.

Employee/Intern/Volunteer Signature

Date

Name (PRINTED)

Position

Court/Department