

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 15-013

RESPONDENT: Judge Lester Rorick, Municipal Judge
City of Pasadena Municipal Court

DATE: October 28, 2015

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Mary Murphy; Judge Billy Ray Stubblefield; Judge David Peeples; Judge Kelly G. Moore

Petitioner requested from Respondent “copies of all of the court’s documents¹ that concern this matter in order to be able to properly respond, and seek the appropriate relief from the courts.” The “matter” Petitioner described in his request concerns Petitioner’s allegations that city employees entered his property on more than one occasion while he was out of town to mow the lawn and remove equipment and tools from his property. Respondent replied that the records Petitioner requested were not subject to the Public Information Act or Rule 12 of the Rules of Civil Procedure. Respondent acknowledged in his original reply and in a follow-up letter that Petitioner had a common law right of access to case records but that the court was unable to comply with the request because the court did not have any documents related to the matter Petitioner raised.

In his follow-up letter to Petitioner, Respondent specifically states that the court “has no record or document of any kind or description that relates in any way to the matters set forth in” Petitioner’s request. Rule 12 does not require a court, judicial agency or records custodian to create a record that does not exist in order to respond to a request. *See* Rule 12.4(a)(1). Accordingly, the appeal is denied.

¹ Petitioner appears to be requesting records maintained by the court regarding a case that is or has been before the court. Case records are not “judicial records” as defined by Rule 12 and are not subject to Rule 12. *See* Rule 12 Decisions No. 12-001 and No. 13-004. However, because Respondent has indicated that he does not have any records responsive to Petitioner’s request, we need not address this issue.