

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NOS.: 13-006 and 13-007

RESPONDENT: Caldwell County Court at Law Judge Edward L. Jarrett

DATE: October 22, 2013

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chair; Judge Olen Underwood; Judge David Peeples; Judge Dean Rucker; Judge Jeff Walker

Petitioner sent seventeen requests for records by email to Judge Edward L. Jarrett (Respondent) over a 13-day period. Approximately two weeks later, Petitioner sent Respondent two additional email requests for records. Petitioner is appealing the denial of all 19 email requests for records. The appeals were grouped together based on the date they were received and numbered 13-006 and 13-007. This decision addresses both appeals.

Respondent replied to five of the email requests informing Petitioner that he did not have any records responsive to her requests. The committee finds that except for a few of the items listed in Petitioner's requests, the requests fail to reasonably identify the records Petitioner is requesting, are for information that is not a judicial record under Rule 12, ask for personal and family information that is not subject to Rule 12, and ask for information that has been ruled on previously by this committee.

In one of her emails Petitioner requested a copy of Respondent's "salary, benefits, insurance, bonuses, compensation, and overtime paid for by Caldwell County" and Respondent's "travel expenses, registration fees, hotels, flights, gas, and all reimbursement fees paid for by Caldwell County." Another request was for Respondent's "bond." A judicial officer who receives a request for a judicial record not in his or her custody must promptly attempt to ascertain who the custodian is and, if the custodian of the records can be ascertained, promptly refer the request to that person. *See* Rule 12.6(f). If any records exist regarding payments made to Respondent by Caldwell County they would likely be maintained by the Caldwell County treasurer or auditor and the request should have been referred to them. Petitioner's request for Respondent's bond is likely a request for the bond executed by Respondent pursuant to Sec. 25.006 of the Texas Government Code. Bonds executed by statutory county court judges are usually maintained by the county clerk. Assuming Respondent has not already provided records related to his bond to Petitioner pursuant to a previous request, if he did not have a copy of his bond in his possession, he should have referred the request to the county clerk.

We are confident that in light of this decision, Respondent will refer the requests regarding payments made by Caldwell County to the appropriate official, and if records related to Respondent's bond have not already been provided to Petitioner in response to a previous request, that Respondent will forward that request to the county clerk.

The remaining issues on appeal are denied.