

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 16-007

RESPONDENT: City of El Paso Municipal Courts

DATE: April 29, 2016

SPECIAL COMMITTEE: Judge Dean Rucker, Chairman; Judge Mary Murphy; Judge Olen Underwood; Judge Billy Ray Stubblefield; Judge Missy Medary

Petitioner requested from Respondent “all communications between the State Commission on Judicial Conduct and judges and/or staff at the municipal court. This includes, but is not limited to emails, letters and memorandums” from October 1, 2015 to the present. Several of Respondent’s judges responded that they did not have any records responsive to the request but others, including the presiding judge, did not respond. Petitioner sent a follow-up request to Respondent’s presiding judge. He denied the request claiming that the requested information was exempt from disclosure under Rule 12.5(a), Judicial Work Products and Drafts. Petitioner then filed this appeal. In addition to appealing the denial of access to judicial records, Petitioner informed us that the presiding judge did not respond to Petitioner within the time required by Rule 12.6(b) and failed to provide Petitioner with the appeal information required by Rule 12.8(c).

Respondent did not submit a response to the petition. When this special committee asked Respondent’s presiding judge for a copy of the responsive records, he replied that he did not have any documents responsive to the request and explained that communications between him and the State Commission on Judicial Conduct were done by telephone.

There being no records responsive to the request, the appeal is denied. We note, however, that though Respondent did not have any records responsive to the request, Respondent should have notified Petitioner within 14 days of receiving the request as required by Rule 12.6(b). Additionally, Respondent should have included in its response the appeal information required by Rule 12.8(c). A records custodian may be subject to sanctions under the Code of Judicial Conduct for knowingly failing to comply with Rule 12. *See* Rule 12.10. We are confident that Respondent will abide by the requirements of Rule 12 when responding to future requests for information.