

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 12-008

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

DATE: September 17, 2012

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

On July 9, 2012, Petitioner filed an appeal regarding Judge Edward L. Jarrett's (Respondent) response to two requests for records dated May 22, 2012, and June 14, 2012. Petitioner claims that Respondent did not reply to her May 22 request and that he has failed to release records that are responsive to her June 14 request.

Respondent replied to Petitioner's requests by certified mail and has provided documentation showing that Petitioner received his reply to her May 22 request on May 30. Rule 12.9(c) requires that a petition for review of denial of records must be filed not later than 30 days after the petitioner receives notice. Petitioner's July 9 appeal of the denial of her May 22 request is untimely; therefore, we will only consider the denial of Petitioner's June 14 request.

Petitioner's June 14 request was for the following records:

- 1) "all and any information on your oath of office, judicial licensure, attorney licensure, and conflicts of interest,"
- 2) "all and any information on your deputy clerks past and present,"
- 3) "all and any information on private counsel you have given,"
- 4) "all and any information on past and current legal representation you have given,"
- 5) "all and any information on solicitation of advice, direction, counsel, or assistance you have sought," and
- 6) "all and any information on the timecard, time markings, or absences in regards to conversations you have had with Barbara Alfaro Delgado since her official departure May 30, 2008."

Respondent informed Petitioner that he does not maintain or have a copy of the records described in numbers 1, 2, and 6 above.¹

¹ We note that Respondent failed to forward Petitioner's request for his oath of office to the custodian of that record, the County Clerk of Caldwell County, as required by Rule 12.6(f); however, this omission has no effect on the ultimate decision in this appeal.

Respondent also informed Petitioner that her requests numbered 4 and 6 fail to provide sufficient information to reasonably identify records and advised her that he has not been in private practice since 1988. We agree that her request is overly broad and fails to reasonably identify the records requested. *See* Rule 12.6(a). Petitioner was informed of this by Respondent, but she has chosen not to provide clarification regarding the records she is requesting.

In his reply to Petitioner, Respondent failed to specifically address Petitioner's request for number 3 above, "all and any information on private counsel you have given." However, in his response to Petitioner's appeal, Respondent maintains that the request is overly broad and fails to reasonably identify the records she is seeking. This request is similar to the one listed as number 4 above, and we agree that it is overly broad and fails to reasonably identify the records she is seeking.

In conclusion, we find that Petitioner's appeal of the response to her May 22 request for records was untimely. We also find that a portion of Petitioner's June 14 request fails to reasonably identify the requested records and that Respondent does not maintain the remainder of the requested records. Accordingly, the petition is denied.