

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 12-009

**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

Petitioner is appealing Judge Edward L. Jarrett's (Respondent) response to her requests for information dated April 24, 2012, May 17, 2012, and May 26, 2012. Respondent replied to the requests by certified mail and has provided documentation showing that Petitioner received them on May 8 (April 24 request), May 30 (May 17 request), and June 26 (May 26 request). Petitioner filed her appeal on July 9, 2012. 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 appeal of the denial of her April 24 and May 17 requests is untimely; therefore, we will only consider the denial of Petitioner's May 26 request.

In addition to other records that are not at issue in this appeal, Petitioner requested: 1) information regarding "recommendations, advice, direction, and suggestions that [Respondent] sought from other government personnel and elected officials," and 2) information regarding Respondent's "financial investments, side business, retirement account, insurance, political campaign donations, election costs, etc."

Respondent informed Petitioner that her request for recommendations, advice and direction that he has sought from government personnel and elected officials fails to reasonably identify any records. He also maintains Petitioner's request is too broad and that he has already provided her any responsive records that relate to her. We agree that her request is overly broad and fails to reasonably identify the records Petitioner is requesting. *See* Rule 12.6(a). Respondent's reply was appropriate and Petitioner could have provided clarification regarding the records she is requesting.

We next consider Petitioner's request for Respondent's "financial investments, side business, retirement account, insurance, political campaign donations, election costs, etc." Respondent asserts that this request cannot be construed as a request for judicial records and constitutes an unwarranted invasion of privacy.

A judicial record subject to Rule 12 is one that is made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function. *See* Rule 12.2(d). Records regarding a judge's financial investments, side business, retirement account, political campaign donations, election costs, etc., are not made or maintained by or for a court or

judicial agency in its regular course of business; thus, they are not subject to Rule 12.<sup>1</sup>

Lastly, we consider Petitioner's request for insurance records. Petitioner did not clearly define what type of insurance records she seeks. Insurance that is paid for with public funds and maintained by or for a court may be subject to Rule 12. But some insurance records, such as health insurance records, may be exempt from disclosure under Rule 12.5(i) because their release could constitute an invasion of privacy. Without a more precise request we are unable to rule on Respondent's denial; however, this determination does not preclude Petitioner from submitting a more precise request to Respondent so that he may respond accordingly.

The following is a summary of our conclusions regarding the issues in this appeal:

1. Petitioner's appeal of the response to her April 24 and May 17 requests was untimely;
2. Petitioner's request for "recommendations, advice, direction, and suggestions that [Petitioner has] sought from other government personnel and elected officials" fails to reasonably identify the requested records;
3. Petitioner's request for "financial investments, side business, retirement account, political campaign donations, and election costs" is not a request for judicial records; and
4. We are unable to rule on the response to Petitioner request for insurance records because we are unable to determine what insurance records she is requesting.

Accordingly, the appeal is denied.

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<sup>1</sup> Petitioner argues that Respondent's elected status requires that he disclose this information. We note that statutory county court judges are required to file financial statements with the county clerk of the county in which they serve or a notice informing the county clerk that they have filed their financial statements with the Texas Ethics Commission. They are also required to file campaign reports with a filing authority in the county. Depending on the county, the filing authority may be the county clerk, county elections administrator or county-tax assessor-collector.