

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 12-014

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

DATE: December 21, 2012

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chair; Judge Olen Underwood; Judge David Peeples; Judge J. Rolando Olvera, Judge Jeff Walker

Petitioner sent an email to Judge Edward L. Jarrett (Respondent) requesting a list of 22 items. All but 1 of the requested items are either identical to or nearly identical to items that have been addressed by a special committee in prior Rule 12 appeals submitted by Petitioner. The prior decisions held the requests were either untimely or failed to reasonably identify the requested records. The requests at issue in this appeal that are nearly identical to prior requests have not been modified sufficiently to reasonably identify the requested records. Thus, the only item that we will address is a request for “all and any information of benefits, insurance, travel, vacation, activities, conferences and meetings including those paid with public funds.”

Respondent informed Petitioner that her request failed to provide sufficient information to reasonably identify the records she requested. He also provided Petitioner with information regarding judicial education conferences he had attended and contact information for Caldwell County’s human resources officer. He also stated that any information about vacation that he had taken had resulted in his not being on the bench and therefore was not a record made or maintained in the regular course of the court’s business.

Petitioner’s request, though broad, does reasonably identify records that she is requesting. It appears that Respondent attempted to assist by providing Petitioner with the contact information for the human resources officer. However, Rule 12.6(f) requires a judge who receives a request for records not in his or her custody, but in the custody of a records custodian know to the judge, to forward the request to the proper records custodian and notify the requester in writing. *See* Rule 12 Decision Nos. 08-004 and 12-010. Thus, Respondent should have forwarded Petitioner’s request for records maintained by the human resources officer to that person. We are confident that Respondent will comply with this requirement in light of this decision.

Respondent also stated that any information about vacation that he has taken has resulted in his not being in the office and the bench and thus is not a record made or maintained in the regular course of the court’s business. Rule 12 Decision No. 11-009 addressed information related to vacations taken by judges. In that decision, the special committee stated that records that discuss personal vacation

plans are not records made or maintained for a court or judicial agency in its regular course of business but records that document vacation leave do pertain to a court's administrative function and are judicial records. We are confident that Respondent will review his records and revise his response, if necessary, so that it is consistent with the analysis we have provided.