

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 02-003

RESPONDENT: Michael O=Neal, Administrative Judge of the Municipal Court for the City of Dallas

DATE: June 28, 2002

SPECIAL COMMITTEE: Judge John Ovard, Judge B. B. Schraub, Judge Darrell Hester, Judge Kelly Moore, Judge David Peoples

The applicant requested Aall records intended to instruct, assist or guide judges in the exercise of their contempt power@from the administrative judge of the municipal court of the City of Dallas. The judge never responded to the request for records or to our letter informing him of the filing of the petition for review and of his right to file a response.

Rule 12.2(d) and (e) define a judicial record and a records custodian as follows:

AJudicial record means a record made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case. A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. . . .

ARecords custodian means the person with custody of a judicial record Judicial Records pertaining to the joint administration of a number of those courts, such as the district courts in a particular county or region, are in the custody of the judge who presides over the joint administration, such as the local or regional administrative judge.@

We have been given no assistance in this matter by the administrative municipal judge. The requested records appear to be judicial records related to the administration of the Dallas municipal court with its many individual judges. Accordingly, pursuant to Rule 12.9(j), we grant the petition.

