

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 02-004

RESPONDENT: Lawrence Dee Shipman, Judge of the 211th Judicial District Court

DATE: November 6, 2002

SPECIAL COMMITTEE: Judge John Ovard, Judge B. B. Schraub, Judge Darrell Hester, Judge Jeff Walker, Judge Olen Underwood

The applicant requested from Judge Lawrence Dee Shipman copies of the oaths of office and anti-bribery statements signed in accordance with Article XVI, Section 1 of the Texas Constitution. He also asked why a judge other than Judge Shipman conducted a hearing in a particular case. Through the district attorney, Judge Shipman replied that he was not the custodian of records for the copies requested and that they were in the custody of the Secretary of State. He also replied that his reasons for not conducting the hearing were exempt from disclosure under Rule 12.5(a). The applicant filed this petition for review and requested expedited review on the ground that he needs the records in order to determine whether Judge Shipman was disqualified to act as a judge in a case involving his client, and that the client is scheduled to be executed on November 21, 2002.

We grant the request for expedited review.

Pursuant to Article XVI Section 1 of the Texas Constitution, the sworn statements of district judges are filed and maintained with the Secretary of State. Pursuant to 1 Texas Administrative Code Section 73.71, the oaths of office of district judges also are filed and maintained by the Secretary of State. Judge Shipman told the applicant that he did not have custody of the records requested and that he could obtain copies from the Statutory Documents Section of the Secretary of State's Office. He gave the name, phone number, and address of a contact person in that office. Judge Shipman satisfied his duties under Rule 12, and we therefore deny the petition for review regarding these documents.

Regarding the request to provide the reasons for Judge Shipman's recusal or disqualification in a particular case, this is not a request for records, but is a request for reasons. If it were a request for records, it would be a request for records pertaining to the court's adjudicative function, and would therefore not be a request for judicial records within the definition of Rule 12.2(d). Accordingly, we deny the petition for review regarding the reasons for Judge Shipman's decision.