

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NOS.: 17-004

RESPONDENT: 67th Judicial District Court

DATE: June 20, 2017

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chair; Judge Olen Underwood; Judge Billy Ray Stubblefield; Judge Missy Medary; Judge Kelly G. Moore

Petitioner submitted a request to Respondent for the inspection and copying of Respondent's phone records for a specific period. Petitioner filed this appeal asserting that Respondent did not reply to his request. Though provided more than 14 days to respond to this appeal, Respondent has failed to do so. Without a response from Respondent, we are unable to determine if Respondent failed to provide the records because Respondent is not the custodian of the records or because Respondent believes all or a portion of the requested records are exempt from disclosure.

Telephone bills are judicial records under Rule 12. *See* Rule 12 Decision No. 11-009. In many instances, however, district courts do not maintain telephone bills related to their phones and are not the custodians of those records.¹ Nevertheless, a judicial officer who receives a request for a judicial record that is not in his or her custody is required to promptly attempt to ascertain who the custodian is and, if the custodian of the records can be ascertained, promptly refer the request to that person. *See* Rule 12.6(f).

Accordingly, we conclude that the requested records are subject to Rule 12 and should be made available to Respondent. If they are not in Respondent's possession, Respondent should attempt to ascertain who the custodian of the requested records is and, if successful, refer the request to that person.

¹ District courts' telephone records are often maintained by the county treasurer or auditor.