

**Before the Presiding Judges of the Administrative Judicial Regions**  
**Per Curiam Rule 12 Decision**

**APPEAL NO.:** 24-016

**RESPONDENT:** Hon. James L. Arth, Travis County Civil Associate Court Judge

**DATE:** February 19, 2025

**SPECIAL COMMITTEE:** Judge Stephen Ables, Chair; Judge Ray Wheless;  
Judge Robert Trapp; Judge David Evans; Judge Alfonso Charles

Petitioner requested from Respondent three lists of cases pertaining to conservatorship matters that had been before Respondent dating back to January 1, 2000. Respondent declined to provide the requested records to Petitioner on the ground that the records are not “judicial records” subject to disclosure under Rule 12 because they were related to matters that had been before the court. Petitioner then submitted a follow-up request to Respondent seeking “[a]ny data compilation of any kind” that reflected the number of cases in each category of conservatorship matters sought in Petitioner’s initial request. Having not received a response to the follow-up request, Petitioner filed a petition for review requesting an expedited ruling. Respondent submitted a reply to the petition, reasserting its position that “[a]ll three items of [Petitioner’s] request seek information concerning cases that were brought before the Court,” relating both to the Respondent’s adjudicative function and to specific cases. In a footnote, Respondent references Petitioner’s follow-up request, noting that it was “a nearly identical request seeking the same information.”

During its review of the appeal, the special committee wrote Respondent and asked if the records requested by Petitioner in fact existed and, if they did, if Respondent could provide a sample for the special committee’s review. Respondent informed the special committee that no such records existed in the Respondent’s custody. A judicial entity or officer is not required to create records that do not exist in a response to a Rule 12 request. *See* Rule 12.4(a)(1). Accordingly, the appeal is denied.