

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 10-003

RESPONDENT: Second Administrative Judicial Region,
The Honorable Olen Underwood, Presiding Judge

DATE: March 3, 2010

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge John Ovard, Judge David Peeples, Judge Dean Rucker, Judge Jeff Walker

Petitioner faxed a memorandum to Carl Reynolds requesting that he approve the Second Administrative Judicial Region's (the "Region") preparation of "a list of recusal cases represented by 'attorney/firm' from Harris County." Attached to the memorandum was a letter dated December 28, 2009, from Petitioner to the Region requesting that it prepare a list of ten recusal cases represented by attorney firms and a letter dated December 30, 2009, from the Region to Petitioner informing Petitioner that the Region did not maintain the requested information in the requested format and that in order to comply it would have to create a record. The Region's response also advised Petitioner of its right to appeal the Region's decision pursuant to Rule 12.9 of the Rules of Judicial Administration. Petitioner's memorandum to Mr. Reynolds appears to be a Rule 12 appeal of the Region's December 30, 2009, response. This Committee will proceed accordingly.

In its response to Petitioner's appeal, the Region lists the various attempts it has made to assist Petitioner with her requests; including offering Petitioner the opportunity to review the Region's files to see if Petitioner could find what she seeks. However, the Region does not maintain a list of attorneys or firms who file recusal motions and it is not required to do so by rule or statute. Rule 12.4(a)(1) provides that a records custodian is not required to create a record, other than to print information stored in a computer. There being no records responsive to Petitioner's request nor a requirement that records be created in response to the request, the Petition is denied.