

February 18, 2003 (A)

Rose Jade
Executive Director
Jury Service Resource Center
PO Box 2063
Newport, OR 97365

Re: *Petition for Public Records Disclosure Order:*
Lincoln County Trial Court Records

Dear Ms. Jade:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 10, 2003, asks the Attorney General to direct Nancy Lamvik, the Lincoln County Trial Court Administrator, to make available source, master and term jury lists compiled for the Lincoln County Circuit Court in 2000, 2001, 2002 and 2003. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.410. Under ORS 192.450, the Attorney General may order a state agency to disclose public records when that agency has denied any person the right to inspect or receive a copy of the records.

As you note in your petition, Ms. Lamvik responded to your request for jury records on February 5, 2003, by claiming that the master and term jury records were exempt from disclosure pursuant to ORS 192.502(9) and ORS 10.215. On behalf of Bradd Swank of the State Court Administrator's office, she also asserted that the source lists were exempt from disclosure based on ORS 10.215(1). In summary, we construe Ms. Lamvik's response as denying your request for disclosure of the source, master and term jury lists on the basis of ORS 192.502(9) and ORS 10.215. ORS 192.502(9) exempts from public disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." This exemption incorporates into the Public Records Law any public records

confidentiality statute in Oregon law. The applicable state law pertaining to jury records is ORS 10.215(1).

Prior to action by the 2001 Legislative Assembly, ORS 10.215(1) had been interpreted to permit disclosure of jury lists to defendants in criminal proceedings. *State ex rel Click v. Brownhill*, 331 Or 500, 15 P3d 990 (2000). In response to *Click*, the 2001 legislature amended ORS 10.215 and adopted ORS 10.275, with the latter statute outlining procedures for persons challenging a jury panel to request access to jury records. In pertinent part, ORS 10.215 now provides:

(1) Except as specifically provided by law, the State Court Administrator and circuit courts may not disclose source lists obtained from private or public entities, and jury lists containing names selected from a source list, to any other person or public entity.

ORS 10.275 provides in pertinent part:

(1) A person challenging a jury panel under ORS 136.005 [criminal cases] or ORCP 57 A [civil cases] who seeks jury records that are confidential under ORS 10.215 must include a request for access to the confidential records in the motion challenging the jury panel.

* * * *

(5) The procedure established by this section is the exclusive means for compelling production of confidential jury records as evidence relevant to a challenge to a jury panel under ORS 136.005 or ORCP 57A.

Read together, ORS 10.215 and 10.275 clearly make master and term jury lists, as well as source lists, confidential and not subject to disclosure under the Oregon Public Records Law. You told Ms. Lamvik in your letter dated January 28, 2003, that your request was not related to any pending or past criminal case. ORS 10.275 is therefore not available to you as a means to obtain these records.

Because the requested records are exempt under ORS 192.502(9), we deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

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cc: Bradd Swank, Office of the State Court Administrator
Nancy Lamvik, Lincoln County Trial Court Administrator