HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

February 24, 2003

Rose Jade
Attorney at Law
PO Box 2104
Newport, OR 97365

Re: *Petition for Public Records Disclosure Order:*
State Court Administrator Records (Yamhill County 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 19, 2003, asks the Attorney General to direct the Yamhill County Trial Court Administrator to make available Yamhill County jury records, described in your January 31, 2003, request as "the Yamhill County Circuit Court source, master, term jury lists for 2001, 2002 and 2003" and "the list of names and addresses to which jury summons were sent during the years 2002, and 2003."

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 192.420. 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.

Your petition asks the Attorney General to review the partial denial of your January 31, 2003, records request, which asked for the disclosure of four categories of records. In a letter dated February 12, 2003, Phillip McCollister, Yamhill County Trial Court Administrator, granted you access to one category of records and referred your request for a second category to the proper custodian. In the same letter, he denied your request for the two categories of jury records specified above on the basis of the reasons stated in Bradd Swank's October 24, 2002, letter addressing numerous public records requests you had made to the State Court Administrator and trial court administrators. Mr. Swank based his denial of your request for

these categories of jury records on ORS 192.502(9) and ORS 10.215. As explained in prior orders, we agree with Mr. Swank's denial based on the following analysis.

Prior to action by the 2001 Legislative Assembly, ORS 10.215(1) had been interpreted to permit disclosure of jury lists 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(1) now provides:

> 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 to a challenge to a jury panel under ORS 136.005 or ORCP 57 A.

Read together, ORS 10.215 and 10.275 clearly make source, master and term jury lists confidential and not subject to disclosure under the Oregon Public Records Law.[1] You acknowledge that you are acting as a legal representative of an individual facing pending criminal proceedings in Yamhill County Circuit Court. Therefore, the sole means of obtaining these records is through the procedure described in ORS 10.275.

[1] Also made confidential as "jury lists containing names selected from a source list" would be the requested list of names and addresses to which jury summons were sent in 2002 and 2003.

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

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS11934
c: Bradd Swank, Office of the State Court Administrator
Phillip A. McCollister, Yamhill County Trial Court Administrator