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January 24, 2002

Mr. Michael J. Thompson
Annala, Carey, Baker & Thompson, P.C.
305 Cascade Street
P.O. Box 325
Hood River, Oregon 97031

Re: Petition for Public Records Disclosure Order:
State Court Administrator

Dear Mr. Thompson:

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 January 18, 2002, asks the Attorney General to direct the State Court Administrator to make available for inspection and to produce copies of the following records:

1. Data list of registered voters as received by the State court [sic] Administrator from the County Elections office for compiling the 2001 and 2002 Wasco County jury pools;

2. Data list of registered driver/ID holders as received by the State Court Administrator from the Department of Motor Vehicles for compiling the 2001 and 2002 Wasco County jury pools;

3. Original merged source list for 2001 and 2002 Wasco County jury pools;

4. Refined source list for 2001 and 2002 Wasco County jury pools;

5. List of names deleted from the original Wasco County merged source lists in compiling the refined source list for 2001 and 2002.

For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 195.420. Any person who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine it if may be withheld. ORS 192.450(1).

In your petition you state that your investigator, April D. Moore, "made several attempts to get records from the State Court Administrator's office." Specifically, you state that other than providing Ms. Moore with jury "load lists,"[1] the State Court Administrator's office turned down her requests for records. On January 18, 2002, Assistant Attorney General (AAG) Herbert F. Lovejoy spoke with Legal Counsel Linda Zuckerman and Legal Analyst Brad Swank of the State Court Administrator's office concerning your petition.

Ms. Zuckerman told AAG Lovejoy that in addition to requesting jury "load lists," Ms. Moore requested a copy of a Wasco County jury instructional videotape, printouts of statistics for the Wasco County juror pool, and any statistics on the Wasco County Grand Jury. Ms. Zuckerman stated that she provided Ms. Moore with the jury "load lists" and told Ms. Moore that the videotape would cost $20 and that the only statistics available were the published state jury pool statistics for the past six months. Ms. Zuckerman stated that Ms. Moore did not request the records you seek in your petition and that she has not denied any request for those records.

Mr. Swank also told AAG Lovejoy that Ms. Moore was sent 36 jury "load lists" as she requested and was informed that the only available statistics were the published state jury statistics. Mr. Swank stated that Ms. Moore did not request the records you seek in your petition and that he has not denied any request for those records.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1). Because the State Court Administrator has not denied a request for the records sought in your petition, the Attorney General has no authority to order disclosure. Accordingly, we deny your petition as premature.

In the event that you choose to pursue disclosure of the records cited in your petition, we note that, effective July 17, 2001, the Oregon Legislative Assembly amended

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[1] A jury "load list" is a numerical listing that shows, *inter alia,* the number of jurors selected from a particular county's elections division voter registry, the number of jurors selected from the Oregon Department of Transportation, Driver and Motor Vehicle Service driver license and identification card database for that county, the number of duplicate entries between those two sources, the number of merged jurors per county, the number of possible jurors available for jury service, and the number of jurors needed by the county for jury service.

ORS 10.215 with respect to the confidentiality of master jury lists and jury source lists.[2] ORS 10.215(1) now provides, in pertinent part:

> The State Court Administrator and circuit courts may use source lists obtained from private or public entities, and jury lists containing names selected from a source list, only for purposes consistent with administering the selection and summoning of persons for service as jurors, the drawing of names of jurors, and other tasks necessary to accomplish those functions. *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.

Or Laws 2001, ch 779, §14 [emphasis added]. The 2001 Legislative Assembly also enacted specific procedures by which a person challenging a jury panel may obtain confidential master and source jury lists. Or Laws 2001, ch 779, §16.

Sincerely,

/Hardy Myers

HARDY MYERS
Attorney General

AGS09443
c: Mr. Brad Swank, Legal Analyst, State Court Administrator's Office
Mr. Charles Wall, Wasco County Trial Court Administrator

[2] The Public Records Law exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon Law." ORS 192.502(9).