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September 1, 1994

Ron Ledbury
P.O. Box 80363
Portland, OR 97280

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

Dear Mr. Ledbury:

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 August 30, 1994, asks the Attorney General to order the State Court Administrator to provide you:

> * * * a complete set of electronic files corresponding to the Oregon Appellate court opinions, and associated information, as reflected in the Oregon Advance Sheets, dating back to 1986.

By letter of August 25, 1994, Bradd A. Swank, Management/Legal Analyst for the Judicial Department, informed you that the Oregon Supreme Court, on the occasion of its conference on August 16, 1994, had considered and denied your request. We believe that action by the Oregon Supreme Court, with reference to records in the custody of the State Court Administrator, constitutes a claim of right to withhold disclosure by elected officials (the justices) within the meaning of ORS 192.480. That statute provides in relevant part:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official

> claims the right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General * * * or if a petition is filed it shall not be considered by the Attorney General * * * .

The Supreme Court has denied your request for the records in question. The members of the Supreme Court are elected officials. See Or Const Art VII (Amended), section 1. Because these elected officials have claimed the legal right to withhold disclosure of these records, the Attorney General declines to consider your petition further.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:AV:TET:jpl/JAA01391.W51

c: Bradd A. Swank
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