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DEPARTMENT OF JUSTICE
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June 18, 1993

Chris Williamson
Freedom Communications, Inc.
1440 Rossanley Drive
P.O. Box 10
Medford, OR 97501

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

Dear Mr. Williamson:

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 June 14, 1993, asks the Attorney General to direct the Jackson County Circuit Court to make available the following records in the case of State of Oregon v. Shawn Alexander Harris, Jackson County Circuit Court No. 92-4105-C2:

1. Information forms completed by jurors;

2. The court reporter's stenographic tape of the trial;

3. Any transcript of the trial produced by the court reporter's machine record;

4. Any other list or record containing the names, addresses and phone numbers of the jurors.

Your June 7, 1993 records request to the Trial Court Administrator requested copies of all records containing the names, addresses, and phone numbers of jurors in State v. Shawn Alexander Harris, as well as any "other information about the jurors such as age, occupation and marital status". To the extent that information about the jurors is not contained in the trial transcript, your request to the Trial Court Administrator did not seek access to the court reporter's stenographic tape of the trial or to the transcript of the trial. Absent a request

for, and a denial of, access to those records, the Attorney General lacks authority to order their disclosure. See ORS 192.450(1).

With respect to the balance of the records that are the subject of your petition, Judge Loren Sawyer ordered the Jackson County Trial Court Administrator and any and all staff of the Jackson County Courts to keep jury information in State v. Shawn Alexander Harris confidential. A copy of Judge Sawyer's order is enclosed with this letter.

ORS 192.480 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 * * * after a claim of right to withhold disclosure by an elected official.

Emphasis added.

Judge Sawyer is an elected public official. See Or Const Art VII (Amended), §1. Judge Sawyer, by denying your request and by issuing an order prohibiting release of juror information, has claimed the legal right to withhold disclosure of the records you requested. Under these circumstances, ORS 192.480 prohibits the Attorney General from considering your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:SMT:AV:cfs/JGG06FD4
Enclosure
c: Linda Zuckerman, Legal Counsel
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310