



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**23-ORD-263**

October 3, 2023

In re: Allen Wiley/Jefferson Circuit Court Clerk

**Summary:** The Open Records Act (“the Act”) does not apply to records of the Jefferson Circuit Court Clerk (“the Clerk”).

***Open Records Decision***

On August 21, 2023, Allen Wiley (“Appellant”) submitted a request to the Clerk for copies of records related to jury selection in his 2008 criminal case. After receiving no response, the Appellant initiated this appeal on September 1, 2023.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk, who is purportedly the custodian of the requested records, was not required to respond to the request. *See* 98-ORD-6. Accordingly, the Office dismisses the appeal.<sup>1</sup>

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

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<sup>1</sup> The Office notes the Supreme Court of Kentucky has adopted its own policies and procedures for requesting copies of court records from the judicial branch. *See* Administrative Procedures of the Court of Justice, Part XVII, Open Records Policy of the Administrative Office of the Courts, available at <https://kycourts.gov/Courts/Supreme-Court/Supreme%20Court%20Orders/201709.pdf> (last accessed October 3, 2023).

**Daniel Cameron**  
Attorney General

s/ James M. Herrick  
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Assistant Attorney General

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Distributed to:

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