

N.D.A.G. Letter to McIntee (May 5, 1986)

May 5, 1986

Mr. Michael S. McIntee
McHenry County State's Attorney
P. O. Box 246
Towner, North Dakota 58788

Dear Mr. McIntee:

Thank you for your letter of April 18, 1986, providing several questions as to the application of the open records law upon county and district courts of our state.

Enclosed you will find a response of this office from 1984 concerning this general issue. As you will note, the Supreme Court cases which you have cited in your letter have left little doubt but that the open records law does not apply to the judicial branch of government. Instead, the court has held that disclosure of information contained within court files is a matter that each court must determine on its own. Indeed, the Supreme Court noted that courts have the authority to provide rules and regulations concerning the inspection of such records.

I have reviewed the previous response of this office and the Supreme Court cases cited therein and I must agree with the earlier conclusion of this office. For this reason, I do not believe I can provide any guidance as to the six questions of your letter since the answers are solely dependent upon the willingness of the court involved in making disclosure of the information.

Sincerely,

Nicholas J. Spaeth

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Enclosure