



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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**22-ORD-233**

October 31, 2022

In re: James Clemons/Garrard Circuit Court Clerk

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

***Open Records Decision***

James Clemons (“Appellant”) requested copies from the Clerk of certain grand jury records of the Garrard Circuit Court. After receiving no response from the Clerk, the Appellant initiated this appeal.

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 the custodian of the requested court records, was not required to respond to the request. *See* 98-ORD-6 (copy attached). Accordingly, this Office dismisses the appeal.

A party aggrieved by this decision may appeal it by initiating 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 e-mailed to [OAGAppeals@ky.gov](mailto:OAGAppeals@ky.gov).

**Daniel Cameron**  
**Attorney General**

s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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Enclosure

Distributed to:

James Clemons, #172559  
Dana Hensley, Clerk  
Laurie K. Givens, AOC