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McNees Wallace & Nurick Wins Appeal of Centre County Lawsuit

HARRISBURG, PA (April 14, 2016) McNees Wallace & Nurick, LLC, a Harrisburg-based law firm, celebrates a victory for our clients in the Commonwealth Court.

Judge Jonathan D. Grine and Magistrate Judge Kelley Gillette-Walker filed actions against the County of Centre alleging that the county had violated the Right to Know Law (RTKL) and Grine's and Walker's rights by disclosing judicial records in response to RTKL requests. They requested injunctive relief stopping the county from releasing records belonging to the courts.

On May 7, 2015, the Trial Court issued orders granting injunctive relief prohibiting the county from producing judicial records in response to RTKL requests.

On April 13, 2016, the Commonwealth Court affirmed the Trial Court's decision by a 5-0 vote. The Commonwealth Court found that the county's conduct violated the RTKL. The ruling also stated that the county violated the constitutional principle of separation of powers because the county had interfered with the judiciary's power of supervision over its own records.

"We are pleased that the Commonwealth Court recognized that Jon Grine and Kelley Gillette-Walker were correct in their claims that the county had exceeded its authority and had encroached on powers that the Pennsylvania Constitution puts solely in the hands of the courts," stated McNees attorneys, Kimberly Colonna and Kathy Bruder. The Commonwealth Court's ruling clarifies that, rather than responding to the RTKL requests, the county should have directed the RTKL requests to the court for a response, because the records involved are records of a judicial agency.

This case highlighted the dilemma agencies face when a RTKL request seeks records that document an activity of more than one agency. The case provides guidance with respect to that situation and will be helpful to agencies responding to RTKL requests and to citizens making a requests. As the Court noted, "the type of agency to which a RTKL request is directed matters" because it plays a role in the handling of RTKL requests and the disclosures made in response to RTKL requests.

The results of the case not only confirmed our clients' position but now provides guidance from the courts on how RTKL requests regarding records of a judicial agency should be processed.



Kimberly Colonna



Kathy Bruder



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McNees is a full-service law firm based in central Pennsylvania with more than 130 attorneys representing corporations, associations, institutions and individuals. The firm serves clients worldwide from offices in Harrisburg, Lancaster, State College and Scranton, PA; Columbus, OH; and Washington, D.C. McNees is also a member of the ALFA International Global Legal Network.