

STATE OF TENNESSEE

Office of the Attorney General



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ATTORNEY GENERAL AND REPORTER

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August 20, 2021

Gautam Hans
Vanderbilt Law School
131 21st Avenue So.
Nashville, TN 37203

RE: Public Records Request

Dear Mr. Hans:

The Revisor of Statutes within the Office of Legal Services is in receipt of your letter requesting copies of the following records pursuant to Tennessee's Public Records Act:

1. All operative agreements and related amendments thereto between Tennessee (hereinafter "the State") and Lexis, Westlaw, or any other third-party legal service provider and/or their parents, subsidiaries, agents, successors, or assigns, relating to State or municipal codes, including headings annotations, or other edicts of government, including, but not limited to, jury instructions.
2. All documents dated from 2016 to present prepared by or for the State and Lexis, Westlaw, or any other third-party legal service provider and/or their parents, subsidiaries, agents, successors, or assigns, relating to State or municipal codes, code headings and annotations, jury instructions or other edicts of government. For the avoidance of doubt, this request includes, but is not limited to, all documents related to the preparation of such materials on the Lexis, Westlaw, or third-party legal information service provider's platform, such as documents relating to procurement, requests for proposal, contracting, and approval processes for publication.

3. All documents dated from 2016 to the present relating to: (1) the copyright status of state codes and related materials, including headings and annotations, or other edicts of government, such as jury instructions; (ii) potential copyright infringement actions, including the relevant parties and bases for the action, concerning state codes and related materials, including headings and annotations, or other edicts of government, such as jury instructions; (iii) patent claims regarding state codes and related materials, including headings and annotations, or other edicts of government, such as jury instructions; (iv) access to state codes and related materials by the public, libraries, legal information service providers, legal bar associations, or any other person or organization; and (v) any complaints, including by third parties, regarding inability to access any of the materials described above.
4. All correspondence with Lexis, Westlaw, or any other third-party legal information service providers regarding access to state codes and other edicts of government, or use of state materials by Lexis, Westlaw, or the third-party legal information service provider.

Tenn. Code Ann. § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable ~~for the records to be promptly available for inspection, the custodian shall within seven (7) business day:~~

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information.

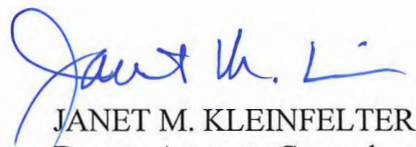
The Act further requires that “[a]ny request for inspection or copying of a public record shall be sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying.” Tenn. Code Ann. § 10-7-503(a)(4). Unfortunately, your request is not sufficiently detailed to allow the Office to identify the responsive records. In particular, with respect to Request Nos. 1 and 4, please provide the timeframe or dates for the records sought. Additionally, with respect to Request No. 4, please clarify your request for all correspondence “regarding access to state codes and other edicts of state government”. We are unable to determine what

correspondence you are seeking without knowing *whose* access to records is within the scope of your request.

Finally, in Request No. 2, you have requested all documents “prepared by or for the State and Lexis, Westlaw, or any other third-party legal service provider . . . relating to State or municipal codes, code headings and annotations, jury instructions or other edicts of government.” This request is all-encompassing and does not provide sufficient detail to allow the Office to identify responsive records. Your Request No. 2 further requests “documents relating to procurement, requests for proposal, contracting, and approval processes”. Please clarify whether this request is limited to documents relating to the written publication of state codes by Lexis, Westlaw or any other third-party legal service provider, or for publication on their platform, or both.

Once we have received the requested clarifications and sufficiently detailed requests, we will provide you with an estimate of the time and the cost necessary to produce copies of the requested records in accordance with Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii).

Sincerely,



JANET M. KLEINFELTER
Deputy Attorney General