



STATE OF NEBRASKA  
**Office of the Attorney General**

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**MIKE HILGERS**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

June 27, 2025

Via email at [REDACTED]  
Tammy Adcock  
Adcock Coaching LLC

RE: *Public Records Matter Involving the Nebraska Supreme Court*  
File No. 20251066

Dear Ms. Adcock:

This letter is in response to your correspondence received by this office on June 12, 2025, in which you requested our review of the handling of a public records request emailed to the Nebraska Supreme Court (NSC) on April 30, 2025. We construed your correspondence to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings are set forth below.

### **RELEVANT FACTS**

On April 30, 2025, you emailed a public records request to the NSC using the [nsc.communications@nejudicial.gov](mailto:nsc.communications@nejudicial.gov) email address. Your request sought the following records:

1. Any judicial performance reports, disciplinary records, or complaints (formal or informal) received by the Nebraska Judicial Branch or Judicial Qualifications Commission concerning Judge Darla Ideus.
2. Any available statistical data regarding cases presided over by Judge Darla Ideus in the Lancaster County District Court, particularly involving:
  - o Child custody disputes
  - o Domestic violence protection orders
  - o Divorce or separation proceedings where abuse allegations were raised
  - o Denials of public access to courtroom proceedings

3. Any summary data, internal dashboards, or court performance evaluations that include metrics such as:
  - o Number of closed vs. open hearings
  - o Number of custody cases with allegations of abuse
  - o Trends or patterns in rulings involving protective parents

You requested “data and documentation for the period from January 1, 2019, through April 1, 2025.”

You received no response to your request. You sent a follow-up email on May 18 and again received no response. On May 30, 2025, you contacted the Attorney General seeking assistance. On June 2, the undersigned contacted the NSC about the status of your request and on June 3, State Court Administrator Corey R. Steel responded to your request. Mr. Steel stated that he was looking into why you did not receive a response to either email and apologized for the delay. As to the items in your request, Mr. Steel informed you he had no responsive records. Mr. Steel also informed you “the Public Records Act does not require a custodian to answer questions or create records where they currently do not exist,” citing Op. Atty. Gen. No. 96074 (1996).

By email sent later on June 3, you challenged Mr. Steel’s response. You asserted that Mr. Steel’s statements that he had no responsive records “is inconsistent with information currently in my possession” since you have personally “submitted formal complaints” against Judge Ideus. You asked Mr. Steel to provide (1) clarification on withheld records, (2) confirmation that a “comprehensive and good-faith search was conducted,” and (3) “an explanation as to why [your] judicial complaints . . . have not been addressed in any meaningful way.” You advised Mr. Steel that if a “complete and substantive response” was not provided to you within 5 to 7 business days, you would “consider this a constructive denial of my lawful request and will take further action as appropriate, including seeking legal relief under applicable state law.”

You subsequently filed your petition with our office, seeking our review of the timeliness and adequacy of Mr. Steel’s response, and Mr. Steel’s failure to respond to the items in your June 3 email set out above.

## **DISCUSSION**

The basic rule for access to public records is set out in Neb. Rev. Stat. § 84-712(1). That provision states:

Except as otherwise expressly provided by statute, all residents of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying

equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

(Emphasis added.) “Public records” in Nebraska “include all records and documents, regardless of physical form, of or belonging to” governmental entities in the state, “[e]xcept when any other statute expressly provides that particular information or records shall not be made public.” Neb. Rev. Stat. § 84-712.01(1) (emphasis added). Thus, while access to public records is broad, it is not absolute. There is no right to access public records in those instances where the Legislature has made the records confidential or subject to withholding under Neb. Rev. Stat. § 84-712.05 or § 84-712.08. “A statute qualifies as an ‘other statute’ under § 84-712(1) when the plain language of a statute makes it clear that a record, or portions thereof, is exempt from disclosure in response to a public records request.” *State ex rel. BH Media Group, Inc. v. Frakes*, 305 Neb. 780, 794, 943 N.W.2d 231, 243-44 (2020). This office has also concluded that § 84-712 does *not* require a public body to review documents and create abstracts or other lists, to answer questions or to create documents which do not otherwise exist. Op. Att’y Gen. No. 94092 (November 22, 1994); Op. Att’y Gen. No. 94035 (May 11, 1994); Op. Att’y Gen. No. 87104 (October 27, 1987).

With these provisions in mind, we reviewed the constitutional and statutory provisions cited in Mr. Steel’s response. Neb. Const. art. V, § 30(5), states that

[a]ll papers filed with and proceedings before the [Commission on Judicial Qualifications] or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be **confidential**. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

(Emphasis added.) Neb. Rev. Stat. § 24-726 (2016) also provides that

[a]ll papers filed with and proceedings before the Commission on Judicial Qualifications or masters appointed by the Supreme Court pursuant to section 24-721 prior to any formal open hearing shall be **confidential**. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

(Emphasis added.) As you can see, these provisions make all records submitted to the commission confidential except for formal complaints that have been filed by the commission and set for formal open hearing. While you may have submitted what you consider to be “formal complaints” to the commission, those records are not subject to

disclosure under the express language set out above. Mr. Steel represented to you that he had no such formal complaints pertaining to Judge Ideus, and no records pertaining to the other items in your request. And as noted above, there is no requirement under § 84-712 to create records to fulfill a records request.

There is also nothing in the NPRS requiring Mr. Steel to respond to the various items in your June 3 email. Mr. Steel represented to you that he had no responsive records so seeking clarification regarding withheld records was unnecessary. We further acknowledge the presumption that public officials operate in good faith,<sup>1</sup> which obviates the need to confirm that an adequate search was conducted. The final item does not involve the NPRS, and we decline to address it.


Finally, as to the timeliness of Mr. Steel's response, we note that one day after making Mr. Steel's office aware of your public records request and follow-up email, you received Mr. Steel's written response. Apparently, the failure to respond was due to a technical glitch in the email system. Your request was inadvertently missed and not purposefully ignored, and Mr. Steel apologized for the delay.

### CONCLUSION

Since we have identified no violations of the NPRS pertaining to Mr. Steel's handling of your records request, no further action by this office is necessary and we are closing this file. If you disagree with our conclusion, you may wish to consider the other remedies available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Corey R. Steel (via email only)

49-3865-31

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<sup>1</sup> See *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) ("In the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties and that absent evidence showing misconduct or disregard of law, the regularity of official acts is presumed.").