

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **PUBLIC RECORDS - UTAH**

### **McKitrick v. Gibson**

**Supreme Court of Utah - January 11, 2024 - P.3d - 2024 WL 119334 - 2024 UT 1**

Former county commissioner petitioned for review of city records review board's grant of freelance journalist's request under Government Records Access and Management Act (GRAMA) for records relating to investigation into alleged official misconduct.

The Second District Court granted journalist's motion to intervene and denied her motion to dismiss for lack of standing. Journalist appealed, and the Supreme Court reversed and remanded. The Second District Court denied journalist's motion for attorneys' fees and litigation costs. Journalist appealed.

The Supreme Court held that:

- GRAMA did not limit the availability of fees and costs only to appeals initiated by the governmental entity or the requester;
- Journalist's legal filings as intervenor sufficed as a statement of position to city for purposes of GRAMA fee provision;
- Journalist could be found to have substantially prevailed under GRAMA fee provisions even if she did not prevail against city or did not prevail on the merits; and
- On remand, district court should apply GRAMA's statutory fee provisions to the facts and underlying circumstances of journalist's appeal.

District court should exercise its discretion on remand to apply the statutory fee provisions of the Government Records Access and Management Act (GRAMA) to the facts and underlying circumstances of journalist's appeal of denial of her motion to dismiss county commissioner's petition for review of decision by city records review board to grant journalist's records request, even though commissioner's petition was never addressed on the merits; trial court should look beyond the question of commissioner's standing when considering the public benefit derived from the case, the nature of journalist's interest in the records, and whether city's actions had a reasonable basis.