



ATTORNEY GENERAL
OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HULL,
ATTORNEY GENERAL

July 7, 1976

The Honorable George T. Barrow
Chairman
State Board of Law Examiners
12th Floor - Main Building
1212 Main Street
Houston, Texas 77002

Open Records Decision No. 136
Re: Whether file of attorney
held by Board of Law Examiners
is public under the Open
Records Act.

Dear Mr. Barrow:

The State Board of Law Examiners has received a request for the entire file of an attorney, including the declaration of intention to study law, application to take the bar examination, all letters of recommendation, and any investigative reports, correspondence, and other documents or information in the file. Pursuant to section 7 of the Open Records Act, article 6252-17a, V.T.C.S., you request our decision as to whether the information is excepted from required public disclosure by section 3(a)(1) of the Act as information deemed confidential by law.

Preliminarily, you ask whether the State Board of Law Examiners is subject to the provisions of the Open Records Act. The Act applies to "governmental bodies" as defined in section 2(1) of the Act. Section 2(1)(G) provides that "the Judiciary is not included within this definition."

The Board of Law Examiners is created by statute, article 304, V.T.C.S. The members are appointed by the Supreme Court, are subject to removal by the Supreme Court, act under the instructions and rules of the Supreme Court, and are responsible for examining the qualifications of candidates to be licensed to practice law, and for recommending to the Supreme Court those persons qualified to be licensed. The Supreme Court has the exclusive authority to license persons to practice law. V.T.C.S. arts. 304, 305, 306. We believe the information collected, assembled and

maintained by the Board is held on behalf of the judiciary, and that the Board, as an agency directly responsible to and under the control of the Supreme Court, is not subject to the provisions of the Open Records Act. See Open Records Decision No. 131 (1976).

We note that the Supreme Court has adopted a rule which makes the requested information confidential. The Rules Governing Admission to the Bar of Texas, adopted by the Supreme Court on February 26, 1974, provide in Rule II, paragraph D as follows:

The files containing information received in the investigation of moral character and fitness, as provided hereinafter, shall be regarded as confidential, and the contents thereof shall not be disclosed except for the purposes of these rules

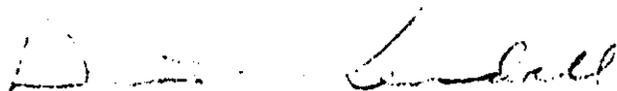
Thus, the information requested is a record of the judiciary, and is not subject to the Texas Open Records Act. A Supreme Court Rule makes the information confidential; therefore, it is not available to the public.

Very truly yours,

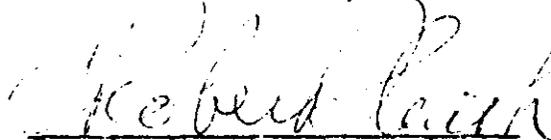


JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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