



# The Attorney General of Texas

May 20, 1983

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Mr. Frank Kudlaty, Ed.D.  
Superintendent  
Waco Independent School District  
P. O. Box 27  
Waco, Texas 76703

Open Records Decision No. 380

Re: Whether opinion prepared  
by Texas Association of School  
Board's attorney for a school  
district is open to the public  
under the Open Records Act

Dear Mr. Kudlaty:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether a legal opinion prepared by an attorney for a school district is available to the public.

You explain that the Waco Independent School District subscribes to a service provided by the Texas Association of School Boards under which attorneys for the association "furnish the district with legal opinions concerning problem areas involving school policy." By letter dated September 15, 1982, a staff attorney for the association advised you of "potential legal problems" which might arise from certain school district policies. You suggest that the letter is excepted from disclosure under section 3(a)(1), as information deemed confidential by law, specifically, the attorney-client privilege.

On several prior occasions, this office has recognized that correspondence between a governmental body and its attorneys is excepted by the attorney-client privilege. Open Records Decision Nos. 304 (1982); 210 (1978). The exception is applicable to any such correspondence which contains legal advice or opinion. Open Records Decision No. 230 (1979). Virtually all of the letter at issue here consists of legal advice. In our opinion, the staff attorney of the Texas Association of School Boards is, for purposes of this communication, acting in the capacity of attorney for the Waco Independent School District. As a result, the district is entitled to claim the attorney-client privilege with respect to the legal advice and opinion contained in the letter. We conclude that the letter may be withheld from disclosure under section 3(a)(1), as information made confidential by the attorney-client privilege.

Very truly yours,

J I M M A T T O X  
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APPROVED:  
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