



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

January 13, 1989

Mr. Stephan L. Sheets
309 East Main
Round Rock, Texas 78664

Dear Mr. Sheets:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 5227; this decision is OR89-022.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

The City of Round Rock received a request for copies of bills submitted by you for legal services rendered on the city's behalf. You assert that the documents are exempt from required public disclosure under sections 3(a)(1), 3(a)(3), 3(a)(4), 3(a)(5), and 3(a)(7) of the act. One of your arguments is that the attorney-client privilege protects the information from disclosure. This office agrees that the information is exempt from disclosure under the attorney-client privilege to the extent it reveals services performed for the city; therefore this decision does not address your other arguments.

The attorney-client privilege is recognized under section 3(a)(1). Open Records Decision No. 200 (1978). Itemized bills for legal work may be withheld pursuant to the attorney-client privilege aspect of section 3(a)(1). Open Records Decision Nos. 499 (1988); 399 (1983); 304

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(1982). However, the amount of the billings may not be withheld. Open Records Decision No. 499. The city must reveal the amounts spent on attorneys fees, but may withhold the itemized portion of the bills themselves.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-022.

Yours very truly,

*Open Government Section
of the Opinion Committee* 

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of the Opinion Committee
Prepared by Patricia Barnhard
Assistant Attorney General

PB/bra

Copy to: Bill Albee
2706 Overview
Round Rock, Texas

Ref.: ID# 5227