



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

October 10, 1990

Ms. Jennifer W. Jacobs
Bracewell & Patterson
Attorney for Brazosport I.S.D.
2900 South Tower Pennzoil Place
Houston, Texas 77002-2781

OR90-477

Dear Ms. Jacobs:

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# 10448.

You state that your client, the Brazosport Independent School District, has received a request for an accounting of expenses incurred by it in relation to a certain individual. You state that you have no objection to the release of the portion of your billing invoices reflecting total expenses, but that sections 3(a)(1) and 3(a)(3) should exempt you from producing that portion of the invoices that details the daily activities of the attorneys in serving the client.

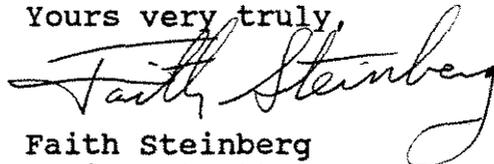
We have considered the exceptions you claimed, and have reviewed the documents at issue. Our examination of the request letter indicates that the release of the first part of your invoice is all that is required for compliance with the request. The letter does not explicitly ask for a detailing of the services performed, but rather focuses on the expenses incurred. You need not comply with the letter's further request that the receipts and billings be categorized according to the dates of service, if they are not already arranged in that fashion. It is well established that the Open Records Act does not require a governmental entity to prepare the information to the requestor's specifications, if the material is not already so prepared. See Attorney General Opinion JM-672 (1987); Open Records Decision No. 452 (1986).

You have also asked whether you must continue to submit your billing memoranda for our determination every time you receive an open records request for them. You must indeed submit for our inspection any billing memoranda for which

you claim exception to the Open Records Act. Although some information in detailed billing statements may be protected by the attorney-client privilege, the determination as to the extent of coverage must be made on a case-to-case basis. For example, a notation that the attorney spent a certain amount of time reviewing notes, or meeting with an associated attorney about a case, without reference to the content of the notes or meeting, would not be privileged, and would not be within section 3(a)(1) coverage. See, e.g., Open Records Letter Ruling No. OR89-346. Likewise, this office must make a determination as to the applicability of the section 3(a)(3) "litigation exception" before information may be withheld on that basis. In virtually every instance, these determinations depend upon an analysis of the specific documents or circumstances in the individual case.

Because we find that the detailed portions of your billing memoranda are not responsive to the request in this case, we have not determined what portions of such memoranda would be excepted under the sections cited. 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 OR90-477.

Yours very truly,



Faith Steinberg
Assistant Attorney General
Opinion Committee

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Ref.: ID# 10448, 10615, 10488

Enclosure: ORD-452; OR89-346

cc: Ron Brennan
105 Oyster Bend
Lake Jackson, Texas 77566