



**DAN MORALES**  
ATTORNEY GENERAL

**Office of the Attorney General**  
**State of Texas**

June 26, 1991

Mr. Mark T. Sokolow  
City Attorney  
City of League City  
300 West Walker  
League City, Texas 77573-3898

Open Records Decision No. 589

Re: Disclosure of attorney bills under the  
Open Records Act (RQ-81)

Dear Mr. Sokolow:

The City of League City has received a request under the Open Records Act, article 6252-17a, V.T.C.S., for documents relating to the city's relationship with a particular law firm. You seek to withhold such documents under section 3(a)(7), which permit a governmental body to claim the attorney-client privilege in response to an open records request.

A recent opinion of this office outlined the type of information that could be withheld under section 3(a)(7). Open Records Decision No. 574 (1990). That opinion concluded that the protection of section 3(a)(7) was limited to information that revealed client confidences to an attorney or that revealed the attorney's legal advice. That opinion noted that, in general, an attorney's "mere documentation of calls made, meetings attended, or memos sent is not protected under section 3(a)(7)." *Id.* at 7. Such documentation would be excepted under section 3(a)(7) only if it revealed client confidences or attorney advice.

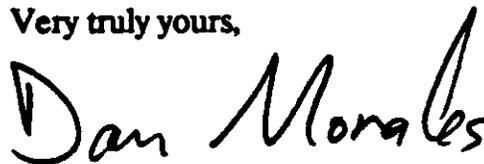
The only document you have submitted for our review is a copy of a fee bill from the law firm. Several earlier opinions of this office stated broadly that a governmental body could withhold attorney fee bills under the attorney-client privilege. Open Records Decision Nos. 499 (1988); 399 (1983); 304 (1982). By clarifying that only client confidences and attorney advice could be withheld under section 3(a)(7), however, Open Records Decision No. 574 implicitly overruled that aspect of those earlier opinions. Consequently, the application of section 3(a)(7) to attorney fee bills must be determined on a case-by-case basis. Thus, if a governmental body seeks to withhold attorney fee bills under section 3(a)(7), the governmental body must submit the bills (or representative samples) to this office for review and identify the portions that reveal client confidences or attorney advice.

The fee bill you have submitted lists a number of phone calls and conferences regarding a particular matter and indicates that an attorney reviewed documents relevant to that matter. The only conceivable client confidence reflected in that fee bill is the fact that the city asked the law firm to review that matter. We need not decide whether that fact alone constitutes a client confidence since city officials have clearly waived any right to claim the attorney-client privilege in regard to that information by revealing to the press the fact that the firm is reviewing the matter. See *Houston Chronicle*, April 19, 1991, at 25A; *The Citizen*, April 21, 1991, at 1A. See generally *Victoria Bank & Trust Co. v. Brady*, 779 S.W.2d 893, 905 (Tex. App.—Corpus Christi 1989, writ granted); *Wood v. McCown*, 784 S.W.2d 126, 128 (Tex. App.—Austin 1990, no writ) (both regarding waiver of attorney-client privilege). Therefore, you must release the bill. If there are other documents responsive to the request that you have not submitted to this office, you should mark them and submit them within 14 days from the date of this decision.

#### SUMMARY

Attorney fee bills may be withheld under section 3(a)(7) of the Open Records Act, article 6252-17a, V.T.C.S., only if they reveal client confidences or attorney advice.

Very truly yours,



DAN MORALES  
Attorney General of Texas

**WILL PRYOR**

**First Assistant Attorney General**

**MARY KELLER**

**Executive Assistant Attorney General**

**JUDGE ZOLLIE STEAKLEY (Ret.)**

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**MADELEINE B. JOHNSON**

**Chair, Opinion Committee**

**Prepared by Sarah Woelk**

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