



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 19, 1991

Mr. Bob Sokoll  
City Manager, City of Waxahachie  
P.O. Box 757  
Waxahachie, Texas 75165

OR91-333

Dear Mr. Sokoll:

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# 11868.

We have considered the exception you claimed, specifically section 3(a)(1), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 574 (1990), a copy of which is enclosed, resolves your request. Although you have claimed section 3(a)(1) rather than section 3(a)(7), the appropriate exception, the marked portions of the document, as well as the arguments you have advanced, indicate that you are making a claim under section 3(a)(7). That exception permits you to withhold notes made by an attorney in a case file to the extent that they document client confidences or the attorney's legal advice or opinion communicated to the client. Open Records Decision No. 574 (1990). Although parts of the marked portions would not by themselves be excepted under section 3(a)(7), they are so inextricably intertwined with excepted material that separation would be impractical. See Open Records Decision Nos. 468 (1987); 420 (1984). Accordingly, you may withhold the marked portions of the documents you have submitted, as well as comparable information in similar files.

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 OR91-333.

Yours very truly,

A handwritten signature in cursive script that reads "Rick Gilpin".

Rick Gilpin  
Assistant Attorney General  
Opinion Committee

RG/mc

Ref.: ID#11868

Enclosure: Open Records Decision No. 574 (1990).

cc: Ms. Evelyn Delozier  
106 Legion  
Waxahachie, Texas 75165