



Office of the Attorney General

State of Texas

August 14, 1992

DAN MORALES  
ATTORNEY GENERAL

Mr. Terrence S. Welch  
Vial, Hamilton, Koch & Knox  
1717 Main Street, Suite 4400  
Dallas, Texas 75201

OR92-489

Dear Mr. Welch:

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# 16651.

The Town of Flower Mound (the "town"), which you represent, has received a request for certain attorney billing statements. Specifically, the requestor seeks

[a]ll bills, statements, requests for payments or any other instrument requesting payment for calendar years 1988, 1989, 1990, 1991, and 1992 by the law firm Vial, Hamilton, Koch & Knox and anyone acting as a representative of the above mentioned law firm . . . [for the calendar or fiscal year].

You advise us that some of the requested information has been made available to the requestor. You claim, however, that some of the requested information is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), and 3(a)(7) of the Open Records Act.

Section 3(a)(7) applies in instances where an attorney represents a governmental entity. It protects an attorney's written advice to his client and a client's confidential communications to his attorney. Open Records Decision No. 574 (1990). The content of attorney billing statements may be withheld pursuant to section 3(a)(7) to the extent that the release of the information would reveal the attorney's advice or a client's confidences. Open Records Decision No. 589 (1991).

You have marked the information that you claim reveals the substance of privileged attorney-client communications under section 3(a)(7). We agree that the

information you have marked constitutes information protected by the attorney-client privilege. Accordingly, the marked information may be withheld from required public disclosure under section 3(a)(7) of the Open Records Act. The remaining information must be released. Since we have determined that the information you seek to withhold is covered by section 3(a)(7), we need not address the applicability sections 3(a)(1) and 3(a)(3) to that information at this time.

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 OR92-489.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GCK/lmm

Ref.: ID# 16651

cc: Mr. T. O. Warner  
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Flower Mound, Texas 75028