



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 29, 1994

Ms. Merri Schneider-Vogel  
Bracewell & Patterson, L.L.P.  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR94-522

Dear Ms. Schneider-Vogel:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 26815.

The Pearland Independent School District (the "school district"), which you represent, has received a request for, among other things, copies of correspondence from your law firm regarding opinions about an employee's status in her capacity as cheerleader sponsor. Specifically, the requestor seeks:

- 1) A copy of the auditor/reviewer's opinion which is resulting in the removal of Mrs. Holmes as the PHS cheerleader sponsor.
- 2) The job description for Mrs. Holmes.
- 3) Anita Holmes' current job classification.
- 4) Any correspondence from Bracewell & Patterson attorney Mary Jane Vogel regarding opinions about Mrs. Holmes' status in her capacity as cheerleader sponsor.
- 5) Copies of any applications to date of person(s) applying for the cheerleader sponsor position.
- 6) Any written correspondence between Bonnie Can and Greg Smith regarding the removal of Anita Holmes from the position of cheerleader sponsor.

You seek only to withhold information responsive to item 4 above. We assume that the school district has made the remainder of the requested information available to the requestor. *See* Open Records Decision No. 363 (1983). You claim that section 552.101 of the Government Code excepts the submitted information from required public disclosure.

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with the attorney-client privilege. In Open Records Decision No. 574 (1990), this office determined that section 552.107(1) of the Government Code is the appropriate section for a governmental body to cite when it asserts the attorney-client privilege. Section 552.107(1) excepts information if:

(1) it is information that . . . an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar of Texas.

Section 552.107(1) protects information that reveals client confidences to an attorney, including facts and requests for legal advice, or that reveals the attorney's legal advice. *See* Open Records Decision No. 574 (1990).

We have examined the information for which you seek section 552.107(1) protection. We conclude that it reveals client confidences to an attorney or an attorney's legal advice. Accordingly, we conclude that the school district may withhold the submitted information in its entirety.

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 contact this office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Government Section

KHG/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 26815

cc: Mr. Randy K. Weber  
2810 Westminster Street  
Pearland, Texas 77581  
(w/o enclosures)