



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 25, 1996

Mr. Richard La Vallo  
Walsh, Anderson, Underwood, Schulze & Aldridge, P.C.  
P. O. Box 2156  
Austin, Texas 78768

OR96-1764

Dear Mr. La Vallo:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100790.

The Pflugerville Independent School District (the "district"), which you represent, received a request for three categories of information related to your firm's legal representation of the district regarding a specific dispute. The requested information consists of "a copy of the underlying contract between the school district and Walsh, Anderson, et al, . . . a copy of the itemized billing statements received from the firm for services rendered from January 1, 1996, through the present . . . [and] itemized record of all payments made by the district to the law firm that are related to [a certain named individual]." You have submitted a representative sample of the records for our review.<sup>1</sup>

With respect to the request for the underlying contract with the district, as you raise no exception to its release, we assume you will release to the requestor the information that is responsive to the request. However, you wish to withhold "the itemized billing statements" and "the itemized record of all payments" in their entirety pursuant to sections 552.101, 552.103, and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated

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<sup>1</sup>In reaching our conclusion, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this instance, you have made the requisite showing that much of the requested information relates to anticipated litigation for purposes of section 552.103(a). We conclude that the district has met its burden of demonstrating that the time, dollar amount, and descriptions of the services associated with the legal representation of the district are related to anticipated litigation and, therefore, may be withheld under section 552.103. However, you may not withhold the dates of services and the initials of the providers associated with your legal representation of the district under section 552.103(a). Additionally, we conclude that the dates of services and the initials of the providers associated with these services may not be withheld under sections 552.101<sup>2</sup> or 552.107(1), as they do not reveal client confidences or an attorney's legal advice. Open Records Decision No. 589 (1991).<sup>3</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Sam Haddad

Assistant Attorney General  
Open Records Division

SH/ch

Ref.: ID# 100790

Enclosures: Submitted documents

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<sup>2</sup>Although early open records decisions permitted governmental bodies to withhold from disclosure information within the attorney-client privilege pursuant to section 552.101, the privilege is specifically covered under section 552.107(1). Section 552.107 is the appropriate section to cite when seeking to withhold from disclosure communications between the governmental body and its legal counsel. See Open Records Decision No. 574 (1990). Furthermore, this office has stated that discovery privileges are not covered under the predecessor provision of section 552.101. See Open Records Decision No. 575 (1990) at 2.

<sup>3</sup>Because we conclude that you may withhold the description fields under section 552.103, we do not, specifically, address your arguments regarding the applicability of other exceptions to disclosure under the Open Records Act to this same information.

cc: Mr. Robert A. Caine  
P. O. Box 10218  
Austin, Texas 78766  
(w/o enclosures)