



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 30, 1996

Mr. Robert E. Hager  
Nichols, Jackson, Dillard, Hager  
& Smith, L.L.P.  
1800 Lincoln Plaza  
500 North Akard  
Dallas, Texas 75201

OR96-1797

Dear Mr. Hager:

On behalf of the City of University Park (the "city"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101287.

The city received a request for "records of all payments made by or on behalf of the City to the law firm of Nichols, Jackson, Dillard, Hager & Smith, L.L.P., regarding" a particular case. You assert that the requested information is excepted from required public disclosure based on section 552.107 of the Government Code.

Section 552.107 states that information is excepted from required public disclosure if:

(1) it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct; or

(2) a court by order has prohibited disclosure of the information.

Section 552.107(1) protects only the details of the substance of attorney-client communications, that is, only information that reveals attorney advice and opinion or client confidences. See Open Records Decision Nos. 589 (1991), 574 (1990). We do not believe the requested information contains attorney advice or opinion or client confidences.

Consequently, the city may not withhold the requested information from the requestor based on section 552.107(1).

Section 552.107(2) may except from public disclosure information that is subject to a protective order that expressly prohibits the parties or their attorneys from disclosing that information. *See* Open Records Decision No. 415 (1984). You submitted to this office a copy of a signed Agreed Docket Control Order dated February 28, 1995, that provides that discovery in the case at issue shall be completed by May 12, 1995. You argue that the requestor "is attempting to undertake discovery in the case when they have been precluded from conducting any further discovery under the orders of the Court."<sup>1</sup> We do not believe an order setting a date for the completion of discovery amounts to an order prohibiting the disclosure of the information for purposes of section 552.107(2) of the Government Code. We, therefore, conclude that the city may not withhold the requested information from the requestor based on section 552.107(2) of the Government Code.

We are resolving this matter with this 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 may 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,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 101287

Enclosures: Submitted documents

cc: Mr. John S. Torigian, P.C.  
Krell & Torigian  
1800 Smith Street, 38th Floor  
Houston, Texas 77002  
(w/o enclosures)

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<sup>1</sup>We are informed that the court has superseded the February 28, 1995 order.