



Office of the Attorney General  
State of Texas

June 26, 1997

DAN MORALES  
ATTORNEY GENERAL

Mr. Mark Houser  
Vial, Hamilton, Koch & Knox  
1717 Main Street, Suite 4400  
Dallas, Texas 75201

OR97-1208

Dear Mr. Houser:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 35041 (formerly ID# 33137).

The City of Highland Village (the "city"), which you represent, received a request for seven categories of information, including your fees billed to the city for the months of October, November and December 1994. You state that you have released most of the requested information, categories 1, 2, 3, and 7, or that it does not exist, categories 4 and 6. You have informed this office that you have received several subsequent requests for the fee bill information. You claim that the requested billing information is excepted from disclosure under sections 552.101, 552.103, and 552.107 of the Government Code. You have, however, already released the amounts and time that you have billed to the city during the months in question.

Section 552.103(a), the "litigation exception," excepts from disclosure information relating to litigation to which the state is or may be a party. You have informed this office, however, that the litigation you claim has either been settled or has concluded. The applicability of section 552.103(a) generally ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982); *but see* Open Records Decision No. 647 (1996). Consequently, you may not withhold the requested information based on section 552.103.

You next assert that the city may withhold the information under the attorney-client privilege. Although you claim that section 552.101 excepts the information from disclosure pursuant to the attorney-client privilege, the attorney-client privilege is properly claimed under section 552.107. Open Records Decision No. 574 (1990) at 2. Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either

confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We have marked a sample of the information that may be withheld under section 552.107. The remaining information must be released.

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,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 35041 (formerly ID# 33137)

Enclosures: Submitted documents

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