



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 4, 1998

Mr. Mark C. Goulet
Walsh, Anderson, Underwood,
Schulze & Aldridge, P.C.
P.O. Box 2156
Austin, Texas 78768

OR98-0592

Dear Mr. Goulet:

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# 113357.

The Jefferson Independent School District (the "district"), which you represent, received a request for "correspondence between the [school district] or its superintendent and the law firm of Walsh, Anderson, Underwood, Schulze & Aldridge, P.C., from the last six months," as well as "the last itemized bill from the Austin law firm." You claim that a portion of the requested information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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(1) 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. Open Records Decision No. 574 (1990) at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107(1) 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.*

Similarly, information in a fee bill may be withheld under section 552.107(1) if it documents confidences of the client or legal advice or opinions rendered to the client or to associated attorneys. *Id.* For example, section 552.107(1) does not except from disclosure

the factual recounting of events or the documentation of calls made, meetings attended, and memos sent. *Id.* at 5. Furthermore, the voluntary disclosure of privileged material to outside parties results in waiver of the attorney-client privilege. Open Records Decision Nos. 630 (1994) at 4, 589 (1991) at 2.¹

Upon review of the submitted information, we find that a portion of the information submitted in Exhibit B reveals client confidences or an attorney's legal advice or opinion. In addition, you have demonstrated that some of the information in the fee bill, submitted as Exhibit C, constitutes client confidences. We have marked this information accordingly, and the district may withhold this information from disclosure under section 552.107(1). The district must release the remaining information to the requestor.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref.: ID# 113357

Enclosures: Marked documents

cc: Ms. Dena Rains Cline
Staff Writer
Longview News-Journal
P.O. Box 1792
Longview, Texas 75606
(w/o enclosures)

¹We note that there is a dispute between the district and the requestor as to whether some of the requested information, specifically the last billing statement, was disclosed to third parties. This office, however, cannot resolve disputes of fact in the opinion process. See Open Records Decision No. 609 (1992).