



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 3, 1998

Ms. Kristi LaRoe
Assistant District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR98-0883

Dear Ms. LaRoe:

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# 114650.

The Tarrant County District Attorney (the "district attorney"), the Tarrant County Correction Center and the Tarrant County Sheriff's Department (the "sheriff") received a request for information pertaining to Mr. Juan Soria who was convicted of capital murder. On behalf of the district attorney and the sheriff, you seek to withhold from required public disclosure the litigation file in the Soria case based on sections 552.103 and 552.111 of the Government Code.

Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This office recently stated that if a governmental body wishes to withhold attorney work product under section 552.111, it must first show that the work product was created for trial or in anticipation of litigation under the test articulated in *National Union Fire Insurance Co. v. Valdez*, 863 S.W.2d 458 (Tex. 1993). See Open Records Decision No. 647 (1996) at 5. This office has also stated that a request encompassing an attorney's entire litigation file may be denied under section 552.111 of the Government Code based on the conclusion in *National Union* that the organization of an attorney's litigation file necessarily reflects the attorney's thought processes concerning the litigation. See *id.* at 5.

Here we have a request for an entire litigation file and you seek to withhold the entire litigation file. We conclude that the district attorney may withhold the entire file from public disclosure based on section 552.111, but with two exceptions. We find that the district attorney may not withhold from disclosure any court-filed documents, *see Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992) or autopsy reports, Code Crim. Proc. 49.25; Open Records Decision No. 529 (1989).

In light of our decision under section 552.111, we need not consider your section 552.103 claim. 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 Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 114650

cc: Ms. Roxanne Gonzalez
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