



April 8, 1999

Ms. Terese Sternenberg  
Texas Guaranteed Student Loan Corporation  
P.O. Box 201745  
Austin, Texas 78720-1725

OR99-0957

Dear Ms. Sternenberg:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123301.

The Texas Guaranteed Student Loan Corporation (the "corporation") received several open records requests for the following categories of information:

1. Copies of all contracts between [the corporation] and the law office of Ray, Wood & Fine, L.L.P., located at 2700 Bee Cave Road from 1993 to present.
2. Copies of all checks that [the corporation] paid to the law office . . . from 1993 to the present.
3. Copies of all attorney fee bills submitted to [the corporation] from the law office. . . from 1993 to present.
4. Copies of all phone calls and conferences [sic] notes between [the corporation] and the law office . . . regarding [two named individuals].

You contend the requested information, a representative sample of which you have submitted to this office, is excepted from required public disclosure pursuant to sections 552.103 and 552.107(1) of the Government Code.<sup>1</sup>

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<sup>1</sup>In reaching our conclusion here, 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 No. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Because section 552.103 is the more inclusive exception, we will discuss it first. To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.—Austin 1997, no pet.); Open Records Decision No. 588 at 1 (1991).

In this instance, you have demonstrated that portions of the requested attorney fee bills relate to pending litigation to which the corporation is a party, *Rocha v. Texas Guaranteed Student Loan Corporation*, No. A-98CA178SS (W.D. Tex. filed March 20, 1998). Specifically, we conclude that the corporation may withhold pursuant to section 552.103 those portions of the attorney fee bills that we have marked which detail the legal services that the law office performed in connection with the *Rocha* litigation. You have not demonstrated, however, that the amounts of the legal fees charged for those services, or any of the remaining information contained in the fee bills, relate to the pending litigation. Consequently, the corporation may not withhold any additional information from the fee bills pursuant to section 552.103.

We also conclude that you have established that the information sought in item 4 listed above relates to the *Rocha* litigation. You have submitted to this office several fax transmission sheets, which you state are the only documents held by the corporation that are responsive to this request. We therefore conclude that the corporation may withhold these and any similar transmission sheets pursuant to section 552.103.

You have not established that the remaining requested information relates to the *Rocha* litigation for purposes of section 552.103. Because you have raised no other exception to disclosure with regard to the requested contracts and checks, we conclude that the corporation must release all information responsive to items 1 and 2 listed above.

Finally, we address the applicability of section 552.107(1) of the Government Code to the remaining portions of the attorney fee bills not otherwise protected by section 552.103. Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and client confidences. *Id.* In Open Records Decision No. 574, this office conclude that

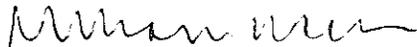
[i]n general, the attorney's mere documentation of calls made, meetings attended, or memos sent is not protected under [the statutory predecessor to section 552.107(1)], if no notes revealing the attorney's legal advice or the client's confidences are included. Such

documentation simply does not embody attorney-client communication.

Open Records Decision No. 574 at 7. *See also* Open Records Decision No. 589 (1991). Most of the information in the attorney fee bills consists of the types of information discussed above and as such may not be withheld pursuant to section 552.107(1). We have marked the portions of the fee bills that the corporation may withhold pursuant to the attorney-client privilege. The remaining portions of the fee bills must be released 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/RWP/ch

Ref: ID# 123301

Enclosures: Marked documents

cc: Mr. Stephan Bolton  
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(w/o enclosures)