



October 5, 1999

Ms. Maureen E. Ray
Assistant General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

OR99-2824

Dear Ms. Ray:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129304.

The State Bar received a request “that the substance of the results of the reference process be provided to me” in connection with the requestor’s application to the Texas Board of Legal Specialization for a specialization certification. You claim that the requested information is excepted from disclosure under section 552.101 in conjunction with section 81.033 of the the Government Code. You have submitted representative samples of the information at issue.¹

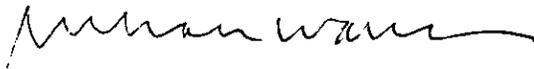
Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 81.033(a) provides that “[a]ll records of the state bar, *except for* records pertaining to grievances that are confidential under the Texas Rules of Disciplinary Procedure, and *records pertaining to the Texas Board of Legal Specialization*, are subject to chapter 552.” (Emphases added) In our opinion, the effect of section 81.033(a) is to make state bar records

¹In reaching our conclusion, 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) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). 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.

pertaining to the Texas Board of Legal Specialization not subject to a chapter 552 request. The submitted information pertains to the Texas Board of Legal Specialization. Therefore, you may withhold the submitted information in response to the request.

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/ljp

Ref: ID# 129304

Encl. Submitted documents

cc: Mr. Michael R. Davis
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Suite 220
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(w/o enclosures)