



March 13, 2000

Mr. Christopher B. Gilbert  
Bracewell & Patterson, L.L.P.  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR2000-0992

Dear Mr. Gilbert:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 134049.

The Kennard Independent School District (the "district"), which you represent, received a written request for the following information:

all the Fee Bills for the years 1999 and 2000 submitted and/or paid to Lisa Brown or the Law Firm of Bracewell and Patterson by [the district]; and copies of all checks made payable to Lisa Brown or the Law Firm of Bracewell and Patterson or any firm that she was or is associated [with] for the same years of 1999 and 2000.

I also would request any information that you have . . . that reflects when this individual was employed and the terms and conditions thereof.

You contend that the portions of the requested attorney billing statements that you have highlighted are excepted from required public disclosure pursuant to section 552.107(1) of the Government Code.<sup>1</sup>

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<sup>1</sup>Although you have also submitted to this office for review copies of checks made payable to Bracewell and Patterson, you do not argue that these documents are excepted from required public disclosure. We note, however, that section 552.022(a)(3) of the Government Code specifically makes public "information

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 concluded 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). In addition, information in an attorney fee bill that is not privileged under the attorney-client privilege is specifically required to be distributed under section 552.022(a)(16). We have marked the portions of the fee bills that the district may withhold pursuant to the attorney-client privilege. The remaining portions of the billing statements must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

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in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body." We assume the district has previously released all of the requested checks and all of the remaining requested information, the release of which you have not challenged. *See* Gov't Code § 552.022(a)(2), (3). If it has not, it must do so at this time. *See* Gov't Code § 552.302.

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Patricia Michels Anderson  
Assistant Attorney General  
Open Records Division

PMA/RWP/jc

Ref.: ID#134049

cc: Mr. Edward T. McFarland  
Post Office Box 119  
Lufkin, Texas 75902-0119  
(w/o enclosures)