



September 11, 2000

Ms. Elaine S. Hengen
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR2000-3478

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 139053.

The City of El Paso (the "city") received a request for information related to legal services performed for the city. You claim that you will release most of the responsive information, but that you seek to withhold a portion of a billing statement, which you contend is excepted from public disclosure by sections 552.107 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

The Seventy-sixth Legislature amended section 552.022 of the Government Code to provide several categories of information that are not excepted from required disclosure unless they "are expressly confidential under other law." In pertinent part this section provides:

- (a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

- (16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege[.]

Gov't Code 552.022(a)(16).

The submitted information is in a bill for attorney's fees. Based on the language of section 552.022(a)(16), we will address only your argument raised under the attorney-client privilege aspect of Government Code section 552.107. Where legal services are performed for a governmental body this privilege protects only an attorney's legal advice and client confidences. Open Records Decision No. 574 (1990).

The information which you seek to withhold is a notation indicating an area of law which the law firm researched on behalf of the city. We are of the opinion that the fact that the attorney performed legal research regarding a broad legal issue does not reveal any legal advice the attorney may have rendered to the client. From our review of the submitted information we conclude that it does not reveal a client confidence or legal advice. This information is not privileged under the attorney-client privilege and therefore must be released pursuant to Government Code section 552.022(a)(16).

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.

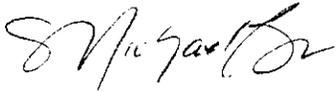
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge 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).

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,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/er

Ref: ID# 139053

Encl. Submitted documents

cc: Mr. Patrick C. McDonnell
El Paso Times
P.O. Box 20
El Paso, Texas 79999
(w/o enclosures)