



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 13, 2012

Ms. Michelle Hunter
Executive Director
State Bar of Texas
P.O. 12487
Austin, Texas 78711

OR2012-00695

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 440457.

The State Bar of Texas (the "State Bar") received a request for a list of members and contact information of the Paralegal Division of the State Bar. You state you have provided the requestor with some of the requested information with e-mail addresses redacted under section 552.137 of the Government Code pursuant to the previous determination issued to the State Bar in Open Records Letter No. 2002-2107 (2002). You claim that some of the requested information is not subject to the Act. Alternatively, you claim that some of the requested information is excepted from disclosure under sections 552.101, 552.117, and 552.1175 of the Government Code. We have considered your arguments and reviewed the submitted representative sample of information.¹ We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

¹We 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 Nos. 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.

We address the State Bar's argument that portions of the requested information are not subject to the Act. The Act applies to information that is "collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body." *Id.* § 552.002(a)(1). Thus, virtually all information that is in a governmental body's physical possession constitutes public information that is subject to the Act. *Id.*; *see also* Open Records Decision Nos. 549 at 4 (1990), 514 at 1-2 (1988). However, a "governmental body" under the Act "does not include the judiciary." Gov't Code § 552.003(1)(B). Information that is "collected, assembled or maintained by . . . the judiciary" is not subject to the Act but is instead "governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules." *Id.* § 552.0035(a); *cf.* Open Records Decision No. 131 (1976) (applying statutory predecessor to judiciary exclusion under section 552.003(1)(B) prior to enactment of section 552.0035).

In support of its claim that the information at issue is not subject to the Act, the State Bar refers to the decision in *Abbott v. State Bar of Texas*, 241 S.W.3d 604 (Tex. App.—Austin 2007, pet. denied). In *Abbott v. State Bar of Texas*, the court addressed whether public access to certain State Bar membership records was governed by the Act. The court concluded that the State Bar maintains its membership records "for the judiciary" and thus, pursuant to section 552.0035 of the Government Code, public access to membership records maintained by the State Bar for the Texas Supreme Court was not governed by the Act, but instead was governed by rule 12 of the Rules of Judicial Administration. *Abbott v. State Bar of Texas*, 241 S.W.3d 604, 609 (Tex. App.—Austin 2007, pet. denied). You inform us the information at issue constitutes membership records maintained by the State Bar for the Texas Supreme Court. Thus, pursuant to section 552.0035 and the ruling in *Abbott v. State Bar of Texas*, we conclude this information is maintained for the judiciary, and public disclosure of the information at issue is governed by rule 12 of the Rules of Judicial Administration. *See id.*; Gov't Code § 552.0035(a). This office does not address questions under those rules. *See* Tex. R. Jud. Admin. 12.9 (providing procedures for appeal of denial of access to judicial records with the Administrative Director of the Office of Court Administration); Gov't Code § 552.306 (Attorney General decides questions under the Act). Accordingly, the information at issue is not subject to the Act.²

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php.

²As we are able to make this determination, we need not address the State Bar's arguments against disclosure.

or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Casterline", with a large, stylized flourish at the end.

Sarah Casterline
Assistant Attorney General
Open Records Division

SEC/ag

Ref: ID# 440457

Enc. Submitted documents

c: Requestor
(w/o enclosures)