



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 5, 1989

Mr. Ronald H. Clark
Henderson Bryant & Wolfe
Attorneys & Counselors
P. O. Box 239
Sherman, Texas 75091

Dear Mr. Clark:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 6365; this decision is OR89-165.

Under the Open Records Act, all information held by governmental bodies is open unless the information falls within one of the act's specific exceptions to disclosure. The act places on the custodian of records the burden of proving that records are excepted from public disclosure. If a governmental body fails to claim an exception, the exception is ordinarily waived unless the information is deemed confidential under the act. See Attorney General Opinion JM-672 (1987). The act does not require this office to raise and consider exceptions that you have not raised.

The Greater Texoma Utility Authority received a request for information under the Open Records Act for "all expenses incurred by the G.T.U.A. and/or any of its member cities" that pertain to a specific proposed landfill. As a preliminary matter, we note that nothing in this decision is intended to address the legal status of the authority. You claim that sections 3(a)(1), 3(a)(3), 3(a)(7), and/or 3(a)(11) protect this information from required public disclosure.

Your request is governed by previous decisions. See, e.g., Open Records Decision Nos. 499 (1988); 399 (1983). These decisions indicate that the amount of legal fees is not protected from disclosure and that specific details regarding legal advice or an attorney's work product may be withheld. Consequently, you may edit from the detailed fee

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bills information that reveals attorneys' work product or privileged communications. Much of the information in the representative samples is not protected from any of the exceptions you claim. For example, the notation "drafted deposition notices" is not protected. You may withhold or edit only information that reveals specific client communications or the attorneys' legal strategy. You indicate that you will release summary total bills and copies of checks.

Finally, because the requestor does not seek information that does not relate to the proposed landfill, you may delete all information in the bills that does not relate to the proposed landfill.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR89-165.

Yours very truly,

*Open Government Section
of the Opinion Committee* 

Open Government Section
of the Opinion Committee
Prepared by Jennifer S. Riggs
Chief, Open Government Section

JSR/bc

Ref.: ID# 6365
ID# 6416

cc: Roger D. Sanders, P.C.
Attorneys at Law
111 South Travis
Sherman, Texas 75090

Enclosures: ORD-499
ORD-399