



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 21, 1995

Ms. Lisa A. Brown
Bracewell & Patterson, L.L.P.
South Tower Pennzoil Place
711 Louisiana St., Suite 2900
Houston, Texas 77002-2781

OR95-969

Dear Ms. Brown:

On behalf of the Deer Park Independent School District ("District"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32601.

The District received two requests for copies of billings from Bracewell & Patterson for legal services. The first request was sent by facsimile on March 23, 1995. However, the school district was closed for spring break for the entire week of March 20 and the request was not physically received until March 27, 1995, when school reopened. The second request is dated March 16, 1995, and was apparently mailed on or after that date. This request bears the stamped date of March 27, 1995. You submitted the requests to this office on March 29, 1995.

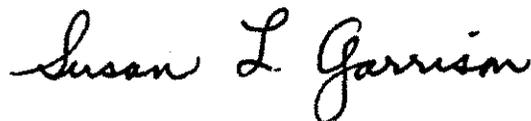
You note that the Open Records Act requires that a governmental body "ask for the attorney general's decision . . . not later than the 10th calendar day after the date of receiving the written request," Gov't Code § 552.301, and you ask, in essence, whether a governmental body may be deemed to receive a request on a date when it is not open for business. We need not address your question. The faxed request was submitted to this office within ten days of the date it was faxed to the district office. With respect to the letter, the only information we have about the date of receipt is the stamped date of March 27. On the basis of that information, the second request was also submitted to this office within ten days of its receipt by the district office.

The law firm billings at issue consist of a summary page that lists total attorneys' fees and expenses owed and a billing memorandum that specifies daily activities undertaken by lawyers of the firm for the district during that billing period. The District releases the summary page to the public upon request and we assume that it has already released it to the requestors. You claim that the highlighted portions of the billing memoranda are excepted from required public disclosure by section 552.107 of the Government Code as confidential communications between attorney and client. It is our understanding that you do not seek to withhold the non-highlighted portions, which include, among other information, the date of the work, the attorney's name, the hourly billing rate, and the time billed.

This office stated in Open Records Decision No. 589 (1991) that only client confidences and attorney advice and opinion may be withheld from fee bills under section 552.107 of the Open Government Code. We have examined the highlighted portions of the billing memoranda you have submitted and have observed that some of the marked information does not consist of client confidences or attorney advice or opinion. We have marked some sample pages to show the kind of information that section 552.107 allows you to withhold. The remainder of the information must be disclosed.

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Open Records Division

SLG/RHS/rho

Ref: ID# 32601

Enclosures: Marked documents

cc: Dr. David Hicks
Superintendent
Deer Park Independent School District
203 Ivy Street
Deer Park, Texas 77536
(w/o enclosures)

Mr. Lawrence S. Maxwell, Sr.
2203 N. Palm Ct.,
Pasadena, Texas 77502
(w/o enclosures)

Ms. Sandra W. Hoffpauir
2430 Tyler Lane
Deer Park, Texas 77536
(w/o enclosures)