



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 9, 1995

Ms. Dana M. Womack
Assistant District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR95-1053

Dear Ms. Womack:

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# 35893.

Tarrant County has received a request for (1) judicial records maintained by its district and county clerks and (2) internal memoranda regarding its compliance with House Bill 1718. You contend that the records requested in item one are records of the judiciary and therefore not subject to the Open Records Act. We agree.

The Open Records Act does not apply to records of the judiciary. *See Gov't Code* § 552.003(b). "The Open Records Act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed, but leaves unchanged the status of that branch of government with respect to information held by it." Attorney General Opinion DM-166 (1992) at 1. Accordingly, the Open Records Act does not require the district clerk nor the county clerk to provide to the requestor the information requested in item number one.¹

¹The request for information was made under the Texas Constitution, Texas common law, and the Open Records Act. We do not address in this ruling whether the requestor has a right of access to this information under the Texas Constitution or common law. *See Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 22, 1995 Tex. Sess. Law Serv. 5140 (Vernon) (to be codified as an amendment to Gov't Code*

You have submitted one record responsive to item number two and claim that it is excepted from disclosure under section 552.107(1) of the Government Code. Section 552.107(1) protects information that reveals client confidences to an attorney, including facts and requests for legal advice, or that reveals the attorney's legal advice. See Open Records Decision No. 574 (1990). The record submitted for our review is a memorandum that contains an attorney's legal advice. You may therefore withhold the record under section 552.107(1).

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 35893

Enclosures: Submitted documents

cc: Ms. Jennifer S. Riggs
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(w/o enclosures)

(Footnote continued)

§ 552.306) (stating that the attorney general shall determine whether requested information is a public record under the Open Records Act).