



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 6, 1995

Mr. John Steiner
Division Chief
Department of Law
Norwood Tower
P.O. Box 1088
Austin, Texas 78767-1088

OR95-1358

Dear Mr. Steiner:

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# 35104.

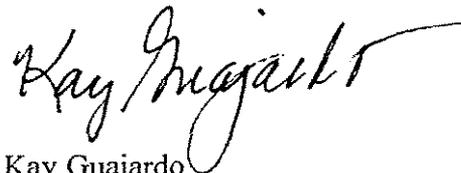
The City of Austin (the "city") received a request for copies of information pertaining to two lawsuits; *The City of Austin, et al. v. Houston Lighting & Power Company*, and *FM properties Operating Co. v. City of Austin*. In particular, the request is for copies of contracts between the city and outside law firms, between the city and expert witnesses, and between the city and other third parties; billing statements from outside law firms, expert witnesses, and third parties; and "all information given to the mayor, city manager, council members and their staffs related [to] the financial costs of" the two named law suits. The city asserts that the requested information is excepted from required public disclosure based on sections 552.101, 552.103, and 552.107(1) of the Government Code.

Section 552.103 of the Government Code excepts information that relates to pending litigation. You contend that this exception covers all of the requested information. We disagree. You have not explained how all of the information in the contracts and billing statements relates to an issue in the pending litigation. You have not asserted that attorneys' fees are at issue. We believe, however, that section 552.103 excepts from required public disclosure the identity of the experts, the descriptions in the bills of the services of the attorneys and experts, and the joint defense agreement with San Antonio. The city may not withhold from required public disclosure the remainder of the information based on section 552.103.

You raise section 552.101 in connection with the attorney-client privilege. Section 552.107(1) of the Government Code specifically excepts from disclosure information that is within the attorney-client privilege. See Open Records Decision No. 574 (1990). We conclude that section 552.107(1) does not except any of the information not covered by section 552.103.

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 35104

Enclosures: Marked documents

cc: Mr. Brian Collister
Reporter
KTBC-TV
119 East 10th Street
Austin, Texas 78701
(w/o enclosures)