



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1996

Mr. Richard J. Ybarra
Open Records Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR96-2017

Dear Mr. Ybarra:

You ask this office to reconsider Open Records Letter No. OR95-1127 (1995). We assigned your request for reconsideration ID# 37856.

The Office of the Attorney General (the "OAG") received a request for information in its possession relating to General Motors Corporation. In Open Records Letter No. 95-1127 (1995), this office concluded in part that the OAG could only withhold certain marked information under sections 552.107 and 552.111 of the Government Code. In your request for reconsideration, you contend that you may withhold the documents resubmitted for our review under sections 552.107 and 552.111 primarily because the documents consist of the work product of an attorney.

Section 552.111 excepts from disclosure "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." This exception encompasses attorney work product created for litigation that tends to reveal an attorney's mental processes, conclusions, and legal theories. Open Records Decision No. 647 (1996). Moreover, when a person requests the entire litigation file of an attorney, the individual records in the file may be withheld under section 552.111. *Id.*

We have examined the records submitted for our review. These records may be the work product of an attorney created in anticipation of litigation. We are returning the records to you to determine whether these records fall within the test articulated in

Open Records Decision No. 647 (1996) to withhold attorney work product under section 552.111. If you so determine, you may withhold the records under section 552.111.

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 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# 37856

Enclosures: Submitted documents

cc: Mr. Stephen Gardner
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Dallas, Texas 75226
(w/o enclosures)