



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 9, 1998

Mr. Paul F. Wieneskie
Cribbs & McFarland
P.O. Box 13060
Arlington, Texas 76094-0060

OR98-0648

Dear Mr. Wieneskie:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113565.

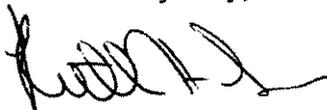
The City of Richland Hills (the "city"), which you represent, received a request for "all paperwork in regards to Cause 342-168705-97 styled Ex parte David R. Ainslie." You assert that the request encompasses the entire case file and the responsive information is thus excepted from disclosure pursuant to the reasoning in Open Records Decision No. 647 (1996). You specifically cite to sections 552.101, 552.103, and 552.111 of the Government Code to protect the information from disclosure.

Section 552.111 provides an exemption for information "that would not be available by law to a party in litigation" with the governmental body. In Open Records Decision No. 647 (1996) at 5, this office determined that if a requestor asks for an attorney's entire file regarding particular litigation, such a request may be denied under section 552.111 based on the Texas Supreme Court's holding in *National Union Fire Insurance Co. v. Valdez*, 863 S.W.2d 458 (Tex. 1993). In *National Union*, the court held that a request for an attorney's entire litigation file is "objectionable under the attorney work product exemption from discovery." *Id.*, 863 S.W.2d 458, 461. We agree that, in this situation, the requested information may be withheld from disclosure under section 552.111.¹ We note that a request that seeks specific documents or categories of documents rather than an attorney's entire file does not necessarily implicate the attorney work product exemption. Open Records Decision No. 647 (1996) at 5.

¹Because the information may be withheld in its entirety under section 552.111, we need not address your other exceptions against disclosure.

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,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 113565

Enclosures: Submitted documents

cc: Mr. D. Ainslie
6713 John Drive
Richland Hills, Texas 76118
(w/o enclosures)