



May 27, 1999

Ms. Vickie Tyson
Waller County Auditor
836 Austin Street, Suite 105
Hempstead, Texas 77445

OR99-1473

Dear Ms. Tyson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126083.

The Waller County Auditor received a request for a copy of the invoice from a law firm considered for payment at the commissioner's court's April 26, 1999 meeting. You seek to withhold portions of the requested information under sections 552.103 and 552.107(1) of the Government Code.

Section 552.103(a) excepts from required public disclosure information

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

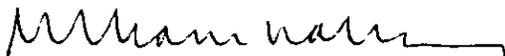
To secure the protection of section 552.103(a), a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 (1991). You indicate that the requested information reflects "legal services rendered for a lawsuit against the county." You do not indicate, however, the style, nature, or status of the litigation. In our opinion, you have not met your burden for withholding the information under section 552.103. See Open Records Decision Nos. 551 (1990), 638 (1991).

The attorney-client privilege is incorporated in section 552.107(1), which protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects only an attorney's legal advice and confidential attorney-client communications. *Id.*

In our opinion, you have not demonstrated with respect to most of the information at issue, that it constitutes legal advice or confidential attorney-client communications within the ambit of section 552.107(1). *See* Open Records Decision No. 589 (1991) (protected information in attorney billing statements). We have marked those portions of the information you may withhold under section 552.107(1). You must release the rest of the requested information.

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.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/eaf

Ref.: ID# 126083

encl. Marked documents

cc: Ms. Debra Ferris
Rt. 3, Box 70AF
Hempstead, Texas 77445
(w/o enclosures)