



June 15, 1999

Mr. Christopher Scott
Corporate Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

OR99-1659

Dear Mr. Scott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124081.

The State Bar of Texas (the "State Bar") received a request for documents that refer to the requestor. You assert that the records responsive to this request are excepted from disclosure under various exceptions to the Public Information Act. We note initially that you submitted to this office information that the requestor has already seen, apparently for informational purposes only.¹

Section 81.033(a) of the Government Code provides

All records of the state bar, except for records pertaining to grievances that are confidential under the Texas Rules of Disciplinary Procedure, and records pertaining to the Texas Board of Legal Specialization, are subject to Chapter 552.

Rule 15.10 of the Texas Rules of Disciplinary Procedure provides

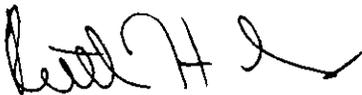
All communications, written and oral, and all other materials and statements to or from the Commission, Chief Disciplinary Counsel, the Complainant, the Respondent, and others directly involved in the filing, screening, investigation, and disposition of Inquiries and Complaints are absolutely privileged.

¹Part II of the Rules of Disciplinary Procedure, including Rule 2.09 and Rule 2.16, requires certain notices and records to be provided to the Respondent. The exceptions you raise do not protect from disclosure to this requestor documents that the Rules of Disciplinary Procedure require to be released to him.

Tex. R. Disciplinary P. 15.10, *reprinted in* Gov't Code Ann., tit. 2, subtit. G app. A-1.² The term "absolutely privileged" in rule 15.10 is synonymous with the term "confidential" in section 81.033. *See, e.g.*, Attorney General Opinion JM-1235 (1990), Open Records Decision Nos. 384 (1983), 375 (1983). The documents at issue are confidential under the Texas Rules of Disciplinary Procedure and are not subject to disclosure. Gov't Code § 81.033.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 124081

encl. Submitted documents

cc: Mr. Sam McCants
Attorney at Law
6575 W. Highway 31
Corsicana, Texas 75110
(w/o enclosures)

²We note that the Texas Supreme Court recently ruled that the Unauthorized Practice of Law Committee (the "UPL Committee") is a "judicial agency" as defined by Rule 12.2(b) of the Texas Rules of Judicial Administration, and that all records of the UPL Committee are "judicial records" as defined by Rule 12.2(d). Order Vacating September 16, 1986 Order Concerning the Confidentiality of Records of the Unauthorized Practice of Law Committee, Misc. Docket No. 99-9082 (Tex. April 15, 1999) (referenced in *In re Nolo Press/Folk Law, Inc.*, No. 98-0724 (Tex. April 15, 1999) (orig. proceeding)). Thus, records of the UPL Committee are subject to Rule 12 of the Texas Rules of Judicial Administration, not the Public Information Act. The Supreme Court did not consider how Rule 12 would apply to specific records of the UPL Committee and did not discuss section 81.033 of the Government Code. The records at issue here are records of the State Bar's Chief Disciplinary Counsel, not the UPL Committee.