



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 2, 2015

Mr. Don Jones  
Legal Counsel  
State Bar of Texas  
1414 Colorado Street  
Austin, Texas 78701

OR2015-06344

Dear Mr. Jones:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 558506.

The State Bar of Texas (the "state bar") received a request for all communications between the state bar and the law department of the City of Austin, as well as all e-mail communications the state bar received from any person using the "@austintexas.gov" domain.<sup>1</sup> We understand you will release some information to the requestor. You contend that the remaining requested information is not subject to the Act. In the alternative, you claim that the remaining requested information is excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered your claims and reviewed the submitted representative sample of information.<sup>2</sup>

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," and

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<sup>1</sup>You state, and provide documentation showing the state bar sought and received clarification of the information requested. See Gov't Code § 552.222 (providing that if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

<sup>2</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

encompasses information made confidential by other statutes. Gov't Code § 552.101. You assert the submitted information is confidential and privileged under rule 2.16(A) of the Texas Rules of Disciplinary Procedure.<sup>3</sup> Rule 2.16 pertains to the confidentiality of disciplinary proceedings and associated records and provides that “[a]ll members and staff of the Office of Chief Disciplinary Counsel, board of Disciplinary Appeals[,] Committees, and Commission shall maintain as confidential all Disciplinary Proceedings and associated records,” except by court order or as otherwise provided in rule 2.16. TEX. R. DISCIPLINARY P. 2.16(A), *reprinted in* Gov't Code tit. 2, subtit. G, App. A-1. Section 81.033(a) of the Government Code provides that:

[a]ll 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 [of the Government Code].

Gov't Code § 81.033(a). You inform us the submitted information pertains to grievance investigations and disciplinary proceedings against attorneys that were ultimately dismissed. Based on your representations and our review, we agree that the submitted information is confidential under rule 2.16(A). We therefore conclude that, pursuant to section 81.033(a) of the Government Code, the submitted information is not subject to the Act and need not be released to the requestor.<sup>4</sup>

You ask this office to issue a previous determination that would authorize the state bar to withhold information that relates to disciplinary proceedings. Because we find that the requested information is not subject to the Act, a previous determination is not appropriate in this case. *See* Gov't Code § 552.301(a) (a previous determination is a determination that one of the Act's exceptions to disclosure applies to the information at issue). Accordingly, this letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

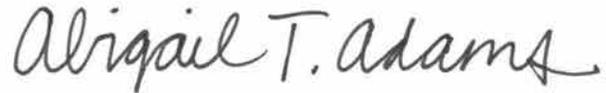
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<sup>3</sup>We note that the rules of the state bar have the same effect as statutes. *See Board of Law Exam'rs v. Stevens*, 868 S.W.2d 773 (Tex. 1994); *see also State Bar v. Wolfe*, 801 S.W.2d 202, 203 (Tex. App.—Houston [1st Dist.] 1990, no writ); *State Bar v. Edwards*, 646 S.W.2d 543, 544 (Tex. App.—Houston [1st Dist.] 1982, writ ref'd n.r.e.).

<sup>4</sup>Because we dispose of this issue under section 81.033(a), we do not address your remaining claim under the Act.

information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "Abigail T. Adams".

Abigail T. Adams  
Assistant Attorney General  
Open Records Division

ATA/akg

Ref: ID# 558506

Enc. Submitted documents

c: Requestor  
(w/o enclosures)