



The Attorney General of Texas

October 24, 1983

JIM MATTOX
Attorney General

Supreme Court Building
P. O. Box 12548
Austin, TX. 78711-2548
512/475-2501
Telex 910/874-1367
Telecopier 512/475-0266

714 Jackson, Suite 700
Dallas, TX. 75202-4506
214/742-8944

4824 Alberta Ave., Suite 160
El Paso, TX. 79905-2793
915/533-3484

1001 Texas, Suite 700
Houston, TX. 77002-3111
713/223-5886

806 Broadway, Suite 312
Lubbock, TX. 79401-3479
806/747-5238

4309 N. Tenth, Suite B
McAllen, TX. 78501-1685
512/682-4547

200 Main Plaza, Suite 400
San Antonio, TX. 78205-2797
512/225-4191

An Equal Opportunity/
Affirmative Action Employer

Mr. Randall H. Erben
City Attorney
City of Eagle Pass
1655 Frost Bank Tower
San Antonio, Texas 78205

Open Records Decision No. 399

Re: Whether records relating
to attorney fees incurred by
city of Eagle Pass are public
under the Open Records Act

Dear Mr. Erben:

As attorney for the city of Eagle Pass, you have asked us to decide whether the Open Records Act, article 6252-17a, V.T.C.S., requires the city to comply with a request for

documentation . . . vouchers, expense sheets, or
etc., covering any attorneys fees incurred by the
city of Eagle Pass from February 1, 1982 until
July 30, 1982.

You contend that sections 3(a)(1), 3(a)(2), 3(a)(3), 3(a)(4), 3(a)(5), 3(a)(6), 3(a)(7), and 3(a)(9) authorize the city to deny this request.

Section 3(a)(1) of the Open Records Act excepts from required disclosure

information deemed confidential by law, either
Constitutional, statutory, or by judicial
decision.

In Open Records Decision No. 304 (1982), one of the questions addressed was whether the city of El Paso was required to comply with a request for the "originals of all the bills for attorneys fees" charged by counsel representing the city in a legal dispute between it and the state of New Mexico. This office concluded:

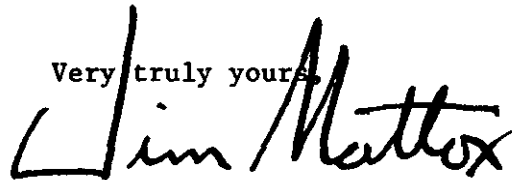
As to the originals of the bills for attorneys fees, we believe it is clear that they are excepted from disclosure under section 3(a)(1) of the Open Records Act, as 'information made confidential by law.' In Open Records Decision No. 210 (1978), this office said that correspondence between an agency and its attorney is

excepted from disclosure under section 3(a)(1) 'by virtue of the attorney-client privilege.' See also, Open Records Decision No. 200 (1978).

You have sent us photocopies of checks that were sent to the law firms that rendered legal services to the city of Eagle Pass during the time period in question. Attached to these photocopies are itemized bills indicating the nature of the legal services that were provided. You have informed us that the city wants to withhold only the itemized bills, not the photocopies of the checks.

We conclude that the city may withhold these itemized bills for the reasons set forth in Open Records Decision No. 304 (1982). These bills are quite detailed and reveal information concerning legal work done for the city by the law firm. In our opinion, much of the information contained in these bills is protected from public disclosure by the attorney-client privilege. That which is not is so inextricably intertwined with the protected material that separation would be impractical.

Very truly yours,

A handwritten signature in black ink that reads "Jim Mattox". The signature is fluid and cursive, with the first name "Jim" and last name "Mattox" clearly distinguishable.

J I M M A T T O X
Attorney General of Texas

TOM GREEN
First Assistant Attorney General

DAVID R. RICHARDS
Executive Assistant Attorney General

Prepared by Jon Bible
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Rick Gilpin, Chairman
Jon Bible
Colin Carl
Jim Moellinger
Nancy Sutton