



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 9, 2016

Ms. Claire Mock
Public Affairs Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487

OR2016-27302

Dear Ms. Mock:

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# 637183.

The State Bar of Texas (the "state bar") received a request for three approved Applications for Relief ("applications") and two denied applications during a specified time period. You contend that the submitted information is not subject to the Act. In the alternative, you claim the submitted information is excepted from disclosure under sections 552.101 and 552.107 of the Government Code. We have considered your claims and reviewed the submitted representative sample of information.¹

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 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.² Rule 2.16 pertains to the confidentiality of

¹We 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.

²We 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

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:

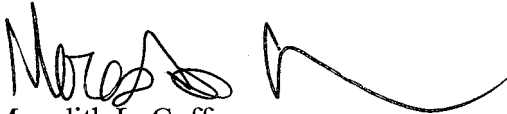
[a]ll records of the state bar, except for records pertaining to grievances that are confidential under the Texas Rules of Disciplinary Procedure, and records pertaining to the Texas Board of Legal Specialization, are subject to Chapter 552 [of the Government Code].

Gov’t Code § 81.033(a). You inform us the submitted information pertains to grievance investigations and disciplinary proceedings against an attorney 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.³

This letter ruling is limited to the particular information 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 information 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, 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 information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/bw

Dist.] 1982, writ ref’d n.r.e.).

³As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 637183

Enc. Submitted documents

c: Requestor
(w/o enclosures)