



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 20, 2017

Mr. Spencer Walker
Public Information Coordinator
State Bar of Texas
1414 Colorado Street
Austin, Texas 78701

OR2017-21575

Dear Mr. Walker:

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# 678118.

The State Bar of Texas (the "state bar") received a request for information related to a specified Client-Attorney Assistance Program ("CAAP") record number involving a named individual. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information made confidential by other statutes. You raise section 552.101 in conjunction with Rule 2.16 of the Texas Rules of Disciplinary Procedure and section 81.072 of the Government Code.¹ 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 81.072(e) of the Government Code mandates that the state bar shall establish "a voluntary mediation and dispute resolution procedure" to attempt to resolve certain inquiries and complaints. Act of May 29, 2017, 85th Leg., R.S., S.B. 302, §7 (to be codified

¹We note that the rules of the state bar have the same effect as statutes. See *Board of Law Examiners v. Stevens*, 868 S.W.2d 773 (Tex. 1994).

as an amendment to § 81.072 (e)). You indicate that CAAP is the state bar's voluntary mediation and dispute resolution procedure established as required under this provision.

Section 81.072(e-1) provides:

All types of information, proceedings, hearing transcripts, and statements presented during the voluntary mediation and dispute resolution procedure established under Subsection (e) are confidential to the same extent the information, proceedings, transcripts, or statements would be confidential if presented to a panel of a district grievance committee.

Gov't Code § 81.072(e-1). We find the information at issue consists of information generated during the operation of the voluntary mediation and dispute resolution procedure that would be confidential if presented to a panel of a district grievance committee. We therefore conclude that, pursuant to section 81.072(e-1) of the Government Code and Rule 2.16, the submitted information is confidential by law and must be withheld from disclosure under section 552.101 of the Government Code.²

You ask this office to issue a previous determination allowing the state bar to withhold the contents of CAAP files without the necessity of requesting an attorney general decision. *See* Open Records Decision No. 673 (2001). We decline to issue a previous determination to the state bar at this time. Accordingly, this letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us and 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, 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,



Paige Lay
Assistant Attorney General
Open Records Division

PL/gw

²As our ruling is dispositive, we need not address your remaining argument against disclosure.

Ref: ID# 678118

Enc. Submitted documents

cc: Requestor
(w/o enclosures)