

Special Projects [UNT Federal Investigation](#)

DRC files suit for UNT information

10:49 AM CDT on Friday, July 21, 2006

By Matthew Zabel / Staff Writer

Date of original publication: Friday June 16, 2006

Attorneys for the Denton Record-Chronicle filed a petition this week asking a state district judge to order the University of North Texas to release more information about why it has spent more than \$1.2 million to investigate a former vice president.



The information in question is on bills from two law firms the university hired last year to investigate a federal contract, which Lloyd Chesnut, the university's former vice president of research and technology transfer, negotiated for the university.

The Department of Defense also is investigating that contract.

Chesnut resigned in August after UNT officials discovered he had a financial interest in a North Carolina corporation he was negotiating with on behalf of the university.

Lloyd Chesnut

In filing its petition in the 201st District Court in Travis County on Tuesday, the Record-Chronicle became a defendant along with state Attorney General Greg Abbott in an open-records lawsuit UNT filed against Abbott in April.

Stan Tillman, attorney for the Record-Chronicle, said the newspaper has a strong case because the attorney general has already ruled in the newspaper's favor.

"This is not a grudge match between the paper and UNT; this is simply a matter of information that the attorney general has already said should be made public," Tillman said.

Deborah Leliaert, spokeswoman for UNT, said law firms must detail their charges for their clients so university officials know exactly what they are being charged for, but those details are confidential under attorney-client privilege.

"The UNT System must balance the sanctity of the longstanding attorney-client privilege against our fiscal responsibility to ensure that invoices accurately reflect the work for which we're being charged," she said. "We respect the Denton-Record Chronicle's mission to report news. We take equally seriously our obligation to protect the attorney-client privilege."

A spokesman for Abbott declined to comment on the pending lawsuit.

The money UNT has spent on legal fees has come from its reserve fund, which is made up from tuition money left over at the end of the year, Leliaert said.

Hunton & Williams and McColl & McColloch law firms, representing UNT in the Chesnut matter, have billed UNT since February 2005.

Lawyers from those law firms could not be reached for comment Thursday.

In January, the Record-Chronicle asked for copies of those law firms' bills.

University officials released copies of the bills, but redacted from them details about the charges while they sought the attorney general's ruling on whether that information should be made public.

UNT officials cited two exceptions to the open-records law that allows them to withhold that information:

- it involves both confidential communications between the law firms and the university, and
- it involves the law firms' work product that is created for trial or in anticipation of litigation.

In his April 11 ruling, Assistant Attorney General James L. Coggeshall told the university to release more than it did before, saying some of the redacted parts did not meet the requirements to be exempt from public records laws.

In its lawsuit, the university alleges that the attorney general's ruling defines the attorney-client privilege too narrowly and that the ruling "does not provide sufficient guidance to allow the [UNT] System to safely comply with the ruling ..."

Annette Fuller, the Record-Chronicle's managing editor, said the case is important because the investigation involves a state university and the Department of Defense, both funded by taxes.

"We believe that the public has the right to know what's going on, and the Denton Record-Chronicle takes its role in fighting for public disclosure very seriously," Fuller said.

While the Record-Chronicle's sister newspaper, The Dallas Morning News, is not listed as a party in the litigation, its management supports the Record-Chronicle's court filing this week.

"We totally support the Denton Record-Chronicle's efforts in this case," said Robert W. Mong Jr., editor of The Dallas Morning News.

Katherine Garner, executive director for the Freedom of Information Foundation of Texas, said the case is significant because of the amount of money the university has spent.

"If there are improprieties at a state university, the public has a right to know what those improprieties are," Garner said.

MATTHEW ZABEL can be reached at 940-566-6884. His e-mail address is mzabel@dentonrc.com .