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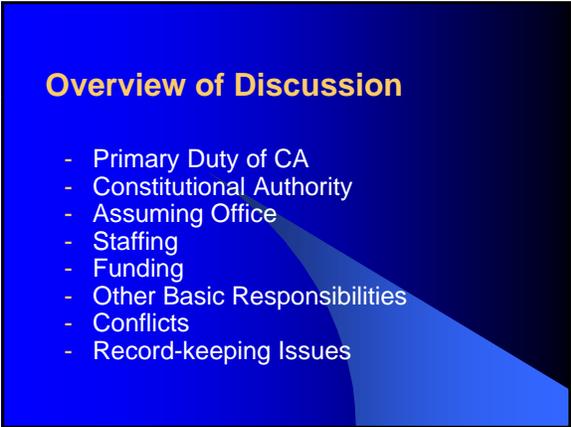
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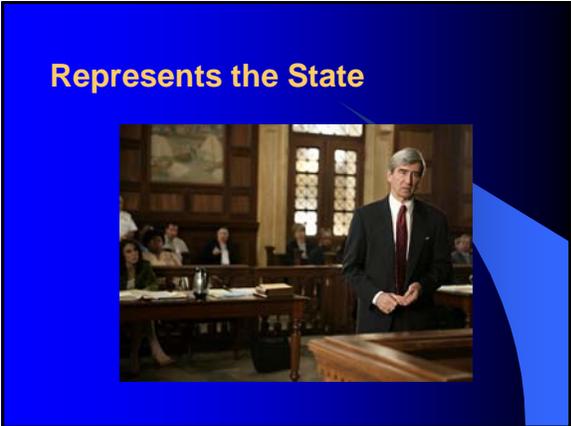
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**Primary Duty of the County Attorney in her capacity as a Prosecutor: not to convict but to see that Justice is done**

- Consider a DWI Case
  - Illustrate Concepts
  - The Bouncing Red Ball and Intoxication
- Consider Jury Selection

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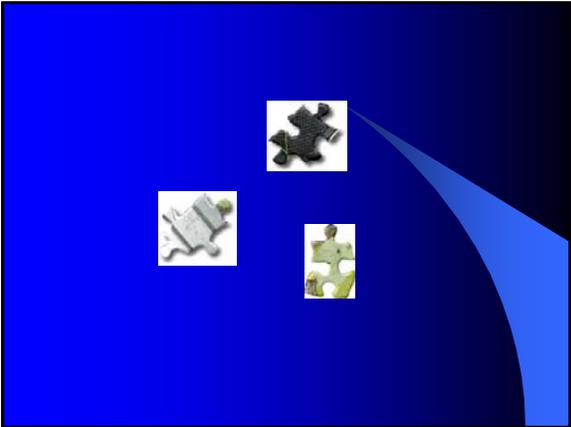
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### Do we have to keep our County Attorney?

- Constitutional Authority
  - Tex. Const. art. V, §21
- Qualifications
  - Must be licensed
  - Must reside in the county

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### How long do we have to keep our County Attorney?

- Term of Office
- Bond
- Oath of Office & Anti-Bribery Statement
  - Tex. Const. art. XVI, §1
  - Consider AG appointment if needed
- Address notification

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### Anti-Bribery Statement

The Statement	Don't Accept a Bribe
	

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**What kind of employees work in a County Attorney's office?**

- Assistant County Attorneys
  - Oaths and Licensed
- Other Staff
  - Investigators
  - Victim Assistance Coordinator
  - Paralegal
  - Hot Check Collection Clerks

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**Do we have to pay the County Attorney?**

- County Attorney
  - Professional Prosecutor's Act (State Supplement)
  - Private Practice and Referral Fees
- CA Sets Salaries of Her Staff\*
- Funding Sources for Office Expenses
  - Budget (Commissioners Court)
  - Hot check fund
  - Pretrial Diversion Funds (Limited)
  - Grants

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**Can the C.A. Waive part of her salary?**

- Yes.

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**What is the primary duty of the County Attorney?**

- To seek Justice – Not Convictions
  - Enforce criminal statutes
  - Represents the State in misdemeanor criminal cases
  - Works with law enforcement
  - Reviews complaints and files informations
    - \*consider funding for training and education
    - \*think *Brady* training

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**Other Responsibilities of the CA – Depending on the Jurisdiction**

- Family violence
  - Emergency Protective Orders
  - Protective Orders
- Juvenile – In some counties
- Representing the State in **Civil Matters**
  - Child Protective Services
  - Bond Forfeiture Proceedings (Funding Source)
  - Open Record Requests (Public Information Act)
  - Adult Protective Services
  - Mental Health Code Hearings (Commitments)
  - Removal of Elected Officials

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**Other Responsibilities continued**

- Assisting the County Commissioners Court (We could discuss this all day)
- Money Collections
  - Taxes and other money owed to the county
- Commissions
  - May retain a commission

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**What kind of conflicts can prohibit the County Attorney from serving as County Attorney?**

- Attorney Pro Tem/Special Prosecutors
  - Conflicts of interest
    - When the prosecutor cannot prosecute a case, for instance, because of a conflict of interest
    - Consider this in budget preparation
  - Dual office holding
    - Qualification and acceptance of the second office, operates as an automatic resignation of the first office

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**Is the County Attorney required to maintain any records?**

- Record-keeping
  - Record retention: See [www.tsl.state.tx.us/slr/recordspubs/ps.html](http://www.tsl.state.tx.us/slr/recordspubs/ps.html)
  - Open Records

Vacancy of Office

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**Overview and Summary of Discussion**

- Constitutional Authority
- Qualifications
- Basic Responsibilities
- Staffing
- Salaries/Funding
- Conflicts
- Record-keeping

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**Resources**

- Code of Criminal Procedure
- Texas Constitution
- Government Code
- Penal Code
- Tax Code

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