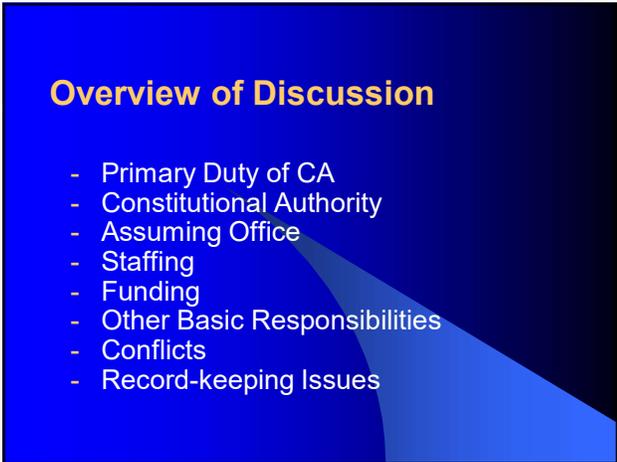
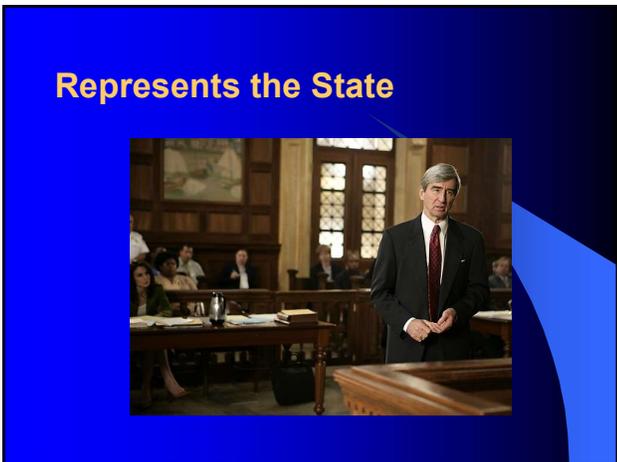


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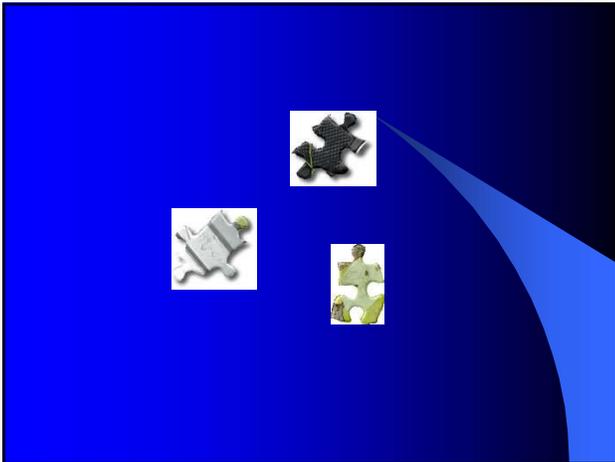


3

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

4



5



6

Do we have to keep our County Attorney?

- Constitutional Authority
 - Tex. Const. art. V, §21
- Qualifications
 - Must be licensed
 - Must reside in the county
 - CDA and DA (hopelessly confused)

7

How long do we have to keep our County Attorney?

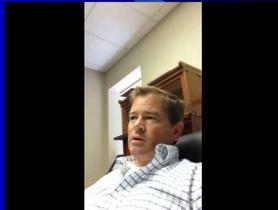
- Term of Office
- Bond
- Oath of Office & Anti-Bribery Statement
 - Tex. Const. art. XVI, §1
- Address notification

8

Anti-Bribery Statement

The Statement

Don't Bribe Voters



9

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

10

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
 - Commission (Bond Forfeitures)

11

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

- Yes.

12

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

13

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 (In some counties)
 - Bond Forfeiture Proceedings (Funding Source)
 - Open Record Requests (Public Information Act)
 - Adult Protective Services
 - Mental Health Code Hearings (Commitments)
 - Removal of Elected Officials

14

Other Responsibilities continued

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

15

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

16

Is the County Attorney required to maintain any records?

- Record-keeping
 - Record retention: See www.tsl.state.tx.us/slr/recordspubs/ps.html
 - Open Records
- Vacancy of Office

17

Legal Business of the Commissioner's Court

- Frequent Topics:
- Contracts
- Interlocal Agreements
- Venue Clause
- Funding Clause
- Indemnification Language
- Disclaimers of Liability
- Arbitration Clause

18

Legal Business (Part 2)

- Agenda Prep
- Fair Notice to Public
- Open Meetings
- Walking Quorums
- (551.143(a) Gov't Code)
- Executive Sessions/Closed Meetings
- How are you getting legal advice?
- How is your county insured?

19

Legal Business (Part 3)

- Public Information Act
- Do you have a common portal?
- Does each office handle their own?
- Need a process
- Potential adverse consequences for failing to respond or responding incorrectly

20

Legal Business (Part 4)

- Upon request, CA or DA shall give to a county official a written opinion or written advice relating to the official duties of that official
- Gov't Code 41.007

21

Overview and Summary of Discussion

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

22

Resources

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

23
