

A Little Paranoia: The Nervous Friend Inside your Head

Potter County Attorney

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Amarillo, Texas

The Usual Suspects

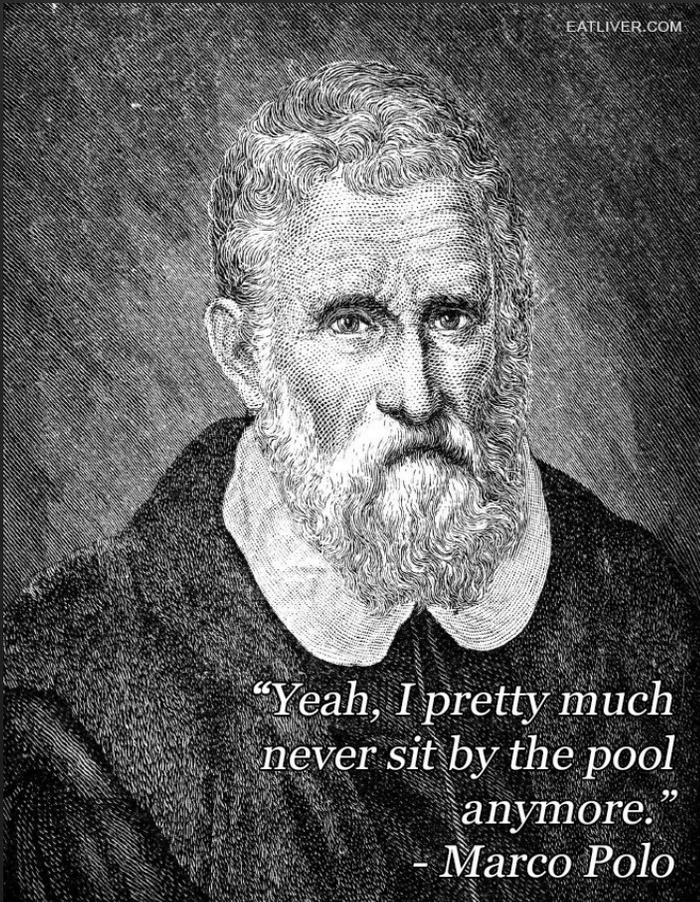
- ◆ **42 U.S.C. § 1983**
- ◆ **Title VII/employment alphabet soup**
- ◆ **Texas Tort Claims Act**
- ◆ **Whistleblower Act**
- ◆ **Contracts**
- ◆ **Open Government**
- ◆ **The County Rule**

Simon Says ... Represent the County



- ◇ Counties where CDA is statutorily assigned to represent county:
 - ◇ Austin (sort of), Bexar, Brazoria, Calhoun, Cass, Comal (CC), Denton, Galveston, Harrison, Jefferson, Kendall, Panola (sort of), Randall, Smith, Tarrant, Upshur, Victoria, Walker
- ◇ County where CA is statutorily assigned to represent county:
 - ◇ El Paso, Fort Bend, Grimes, Harris, Matagorda, Wharton

Who Else Is in the Rolodex?



- ◇ **TEX. CONST. art. V, § 21**
 - ◇ **“The County Attorneys shall represent the State *in all cases* in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature.”**
 - ◇ **Duty defined by statute**
 - ◇ **No independent power to bring suit**

What If We're Not on the List?



- ◇ **General Rule: No civil requirement**
- ◇ **Says Who?**
 - ◇ SCOTex, that's who
- ◇ **County may contract**
 - ◇ Beware of chapter 46, Gov't Code

Let Your Assets Work for You

- ◆ **Section 157.901,
Local Gov't Code**

- ◆ **NOTE: criminal charges or conflict may require outside counsel**

- ◆ **Section 41.007,
Gov't Code**

- ◆ **Get to know CA/DA**

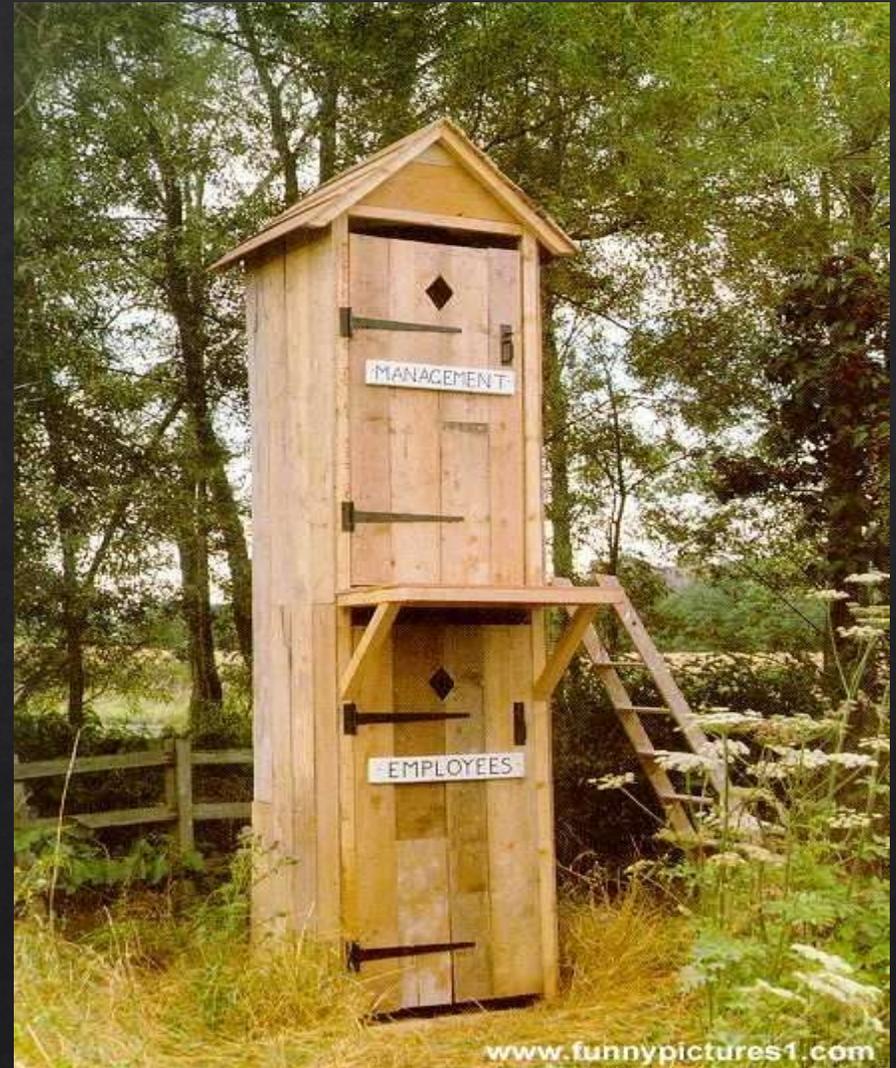
- ◆ **Notice**

- ◆ **Notify insurers
IMMEDIATELY**



Policies: vaccination for your county

- ◇ Discrimination/harassment
- ◇ Workers compensation
- ◇ FLSA
- ◇ FMLA
- ◇ USERRA
- ◇ Grievance/appeal process
- ◇ Police/jail
- ◇ County regulations
- ◇ Road & Bridge
- ◇ PIA
- ◇ Computer/Internet use
- ◇ Vehicle Use



Put It Where You Can Find It (And Know Where That Is)



- ◆ Centralize, centralize, centralize
- ◆ Plan for what you'll need
 - ◆ Insurance policies
 - ◆ Involved official/employee list
 - ◆ EVERY document
 - ◆ Policies, regulations, contracts
 - ◆ Photographs/videos
 - ◆ Accident reports/witness statements

Investigation: It's More Than Just The "I" in "CSI"



- ◆ Plan for Perry Mason
- ◆ Go all out ... with guidance
- ◆ Loose lips sink ships

Just Who, Exactly, Does This Well-Dressed Person Represent?

- ◇ Understand who the client is
- ◇ Help (it's not just a Beatles song)
- ◇ Think James Bond



When Is It Safe To Let Warring County Factions Have At Each Other?



- ◇ Keep it in the hamper
- ◇ Funny is relative
- ◇ Diagnose to treat
- ◇ Sound bites bite
- ◇ Liaison: do it even if you can't spell it

What'cha Gonna Do When It All Goes South?

wowfunny.com



MISTAKES

IT COULD BE THAT THE PURPOSE OF YOUR LIFE IS
ONLY TO SERVE AS A WARNING TO OTHERS.

- ◆ Remember Jim Marshall
- ◆ Only the lawyer speaks
- ◆ Questions? Ask the lawyer

Settlement For Settlement's Sake

- ◇ Don't encourage nuisances
- ◇ Remember high school



Don't Automatically Fall In With The Crowd

- ◆ You can't believe everything you hear
- ◆ Not everyone gets sued for a good reason
- ◆ You're not your co-defendant's keeper
- ◆ Some folks are easy
- ◆ Facts, law, lawyer's advice should guide you



Pointers for avoiding the path of danger



- ◆ **Contracts/policies aren't like undergarments**
- ◆ **PIA: Know it, consider it**
- ◆ **Counties wear hospital gowns**

Be Careful Without Being Silly



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