



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

November 22, 1961

Honorable W. G. Walley, Jr.
Acting Criminal District Attorney
Jefferson County
Beaumont, Texas

Opinion No. WW-1199

Re: Whether the person discharging the duties of the Criminal District Attorney's office, during the time that the elected Criminal District Attorney is suspended is entitled to receive the same compensation as the elected Criminal District Attorney during the period of time that such Acting Criminal District Attorney discharges the duties of the office of Criminal District Attorney, irrespective of the fact that said Acting Criminal District Attorney is receiving compensation from the County for performing legal services for the County under written contract with the Commissioners' Court.

Dear Mr. Walley:

You have requested an opinion from this office on the following matter:

Is a person discharging the duties of the Criminal District Attorney's Office, during the time that the elected Criminal District Attorney is suspended entitled to receive the same compensation as the elected Criminal District Attorney during the period of time that such Acting Criminal District Attorney discharges the duties of the office of Criminal District Attorney, irrespective of the fact that the said Acting Criminal District Attorney is receiving compensation from the County for performing legal services for the county under written contract with the Commissioners' Court?

It has been held by this office in Opinion No. WW-1064 that a person who is appointed as Acting Criminal District Attorney during the suspension of the elected Criminal District Attorney is entitled to compensation equivalent to that authorized to be paid to the Criminal District Attorney. It is the opinion of this office that the Acting Criminal District Attorney of Jefferson County is a de facto officer and is entitled to the same compensation as a de jure officer acting in the same capacity. See Attorney General's Opinion No. 0-3158.

You are hereby advised that the Commissioners' Court is authorized and required to pay the compensation to the Acting Criminal District Attorney equivalent to that authorized to be paid the elected Criminal District Attorney independent of any right to compensation arising out of any contract with the County.

S U M M A R Y

An Acting Criminal District Attorney is entitled to the same compensation as an elected District Attorney independent of any right to compensation arising out of any contract with the County.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
J. T. Walker
Assistant Attorney General

JTW:wb:sh

APPROVED:

OPINION COMMITTEE
W. V. Geppert, Chairman
Elmer McVey
John Reeves
Norman Suarez
William Allen

REVIEWED FOR THE ATTORNEY GENERAL
BY: Houghton Brownlee, Jr.