

BQ-820



OFFICE OF THE COUNTY ATTORNEY

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SULPHUR SPRINGS, TEXAS
April 6, 1995

Opinion Committee
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Honorable Dan Morales
Attorney General State of Texas
P O Box 12548
Austin, Texas 78711-2548

FILE #

SJS
34435
ML-32858-95

Office of the Attorney General
Tort Litigation Division

Attn: Opinion Committee

I.D. #

32858 34435
Dup

Re: The status of a County Court at Law Judge who announced his candidacy for District Judge more than one year before his term was ended in regards as under Article 16, section 65 of the Texas Constitution.

Dear Attorney General Morales,

On March 27, 1995, during a Commissioners Court meeting, the County Court At Law Judge announced that he was "at that moment" a candidate for the 8th Judicial District Court Judge. Please see attached newspaper article of March 27, 1995 entitled "Cable Seeking 8th District Judge Position". See also attached tape recording of the announcement recorded by Mary Attlesey, Hopkins County Clerk.

Question No. 1 - Through his statement, has the judge announced or in fact become a candidate under Article 16, section 65 of the Texas Constitution?

Question No. 2 - What is the status of the judge's current office of County Court at Law as a "holdover" in his Court under Article 16, section 17 of the Texas Constitution?

Question No. 3 - Can the judge be reappointed as Judge of the County Court at Law if he has automatically resigned his office under Article 16, section 65? See Attorney General opinion WW 12 1253 and WW 788.

Question No. 4 - Are the judgments rendered since the judge's announcement valid and does he retain the authority of the County Court at Law Judge as a "holdover" under Article 16, section 17 of the Texas Constitution?

Honorable Dan Morales
Attorney General State of Texas
April 7, 1995
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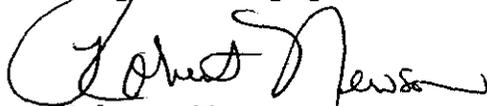
Question No. 5 - If the judge has announced his candidacy under Article 16, section 65 of the Texas Constitution, and continues to hold office as a "holdover" under Article 16, section 17 of the Texas Constitution, does he retain his normal pay and benefits from Hopkins County, Texas?

Question No. 6 - If the judge has announced his candidacy under Article 16, section 65 of the Texas Constitution, what would be the replacement procedure if one of the Commissioners elect to fill his position with another County Court at Law Judge or if a citizen raises the issue and desires to pursue the removal of the judge from office?

Under this factual situation, this office requests a written opinion as to the above questions so that we will have an understanding of our situation since this problem has occurred here in our County Government and we have an urgent need to advise our County Commissioners Court.

Thank you in advance for your prompt attention to this matter.

Respectfully yours,



Robert Newsom
Hopkins County Attorney