



**CAMERON COUNTY DISTRICT ATTORNEY**  
CAMERON COUNTY COURTHOUSE  
974 E. HARRISON STREET - BROWNSVILLE, TEXAS 78520

**Yolanda de León**  
County (Criminal District) Attorney

**RECEIVED**

NOV - 8 1999

November 3, 1999

RQ-0141-JC

**Opinion Committee**  
Office of the Attorney General  
Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

FILE # ML-41093-99  
I.D. # 41093

Re: Request for an Attorney General's Opinion Concerning  
The Practice of Law by The County Judge or Commissioner.

Dear Sirs:

Our office received a request for an opinion regarding the above issue by a county official. This office researched the issue presented but it appears that the issue is still unresolved and an Attorney General's Opinion is being requested.

**QUESTION PRESENTED**

Whether it is legal and/or ethical for an elected County Judge, who is an attorney and the presiding officer of the County Commissioners' Court, or a County Commissioner, who is an attorney and a member of the County Commissioners' Court, to practice law by representing a defendant in a Justice of the Peace Court or County Court-at-Law, in a county where the salary of the Justice of the Peace or the County Court-at-Law Judge and the budget of those courts are controlled and paid for from funds allotted by the same county's Commissioners' Court.

## **BRIEF**

### **FACTS PRESENTED**

The following were the facts presented to this office: copies of newspaper articles describing criminal charges against a former city commissioner and describing the defendant's attorney by the title "Cameron County Judge." (See Attached copies of four newspaper articles) The articles further describe the appearance by the defendant and his attorney, the "Cameron County Judge" before a Justice of the Peace. Ultimately, the defendant pled no contest before a County Court-at-Law Judge. Apparently another member of the county judge's law firm was present for the plea. None of the current county commissioners are practicing attorneys.

### **CONCLUSIONS AND FINDINGS**

After a thorough review of the relevant statutes, case law, and attorney general opinions, this office found as follows:

1. On April 14, 1999, in Opinion Number JC-0033, the Attorney General extensively analyzed the issue whether a county judge may practice law in the courts of his county. The analysis included ethical considerations. "Ethical considerations, however, may bar a county judge from undertaking certain kinds of cases in his capacity as an attorney in private practice. Like any other lawyer, his is subject to the Texas Disciplinary Rules of Professional Conduct in his practice as an attorney."

Page 3  
November 3, 1999  
Practice of Law


2. In 1994, in Letter Opinion Number LO94-055, the Attorney General considered various possible conflicts of interest involving a county commissioner who was also an attorney.

### CONCLUSION

This request has been forwarded to you since this office has not authority to provide an opinion based on ethical considerations.

Submitted

Yolanda De León  
Cameron County  
(Criminal District) Attorney



BY: Francisco J. Martinez  
Assistant County Attorney