

BILL ANALYSIS

Senate Research Center
76R10216 SMJ-D

H.B. 1767
By: Lewis, Glenn (Harris)
Jurisprudence
5/6/1999
Engrossed

DIGEST

Texas law is unclear regarding how a county, or its officials and employees, are to mount a defense when sued by another county official or employee. Currently, the county may hire private attorneys, one for each party, or the district or county attorney may represent the defending county or county official or employee. This can lead to an allegation of conflict of interest, because the same government counsel defending one party also has attorney obligations to the suing party. H.B. 1767 would establish provisions regarding legal representation of county officials and employees by district and county attorneys.

PURPOSE

As proposed, H.B. 1767 establishes provisions regarding legal representation of county officials and employees by district and county attorneys.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 157Z, Local Government Code, by adding Section 157.9015, as follows:

Sec. 157.9015. REPRESENTATION PERMITTED WITHOUT CONFLICT OF INTEREST. Provides that it is not a conflict of interest for a district or county attorney to defend a county or a county official or employee sued by another county official or employee and also to advise or represent the opposing party on a separate matter arising from the performance of a public duty, regardless of whether the attorney gives the advice or representation to the opposing party before the suit began or while the suit is pending. Requires the district or county attorney, if practicable, to assign a different attorney to defend the county, official, or employee than the attorney assigned to advise or represent the opposing party on a separate matter. Provides that this section does not require a district or county attorney to represent a county official or employee who brings a suit against the county or another county official or employee for an action arising from the performance of a public duty.

SECTION 2. Emergency clause.
Effective date: upon passage.