



December 20, 2024

County Attorney

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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County Attorney

Private Acts of 1951 Chapter 559

SECTION 1. That the office of County Attorney, for all counties in this State of Tennessee having a population of not more than 29,550 and not less than 29,470 according to the Federal Census of 1940, or any subsequent Federal Census, be, and the same is hereby created. That said County Attorney shall be elected by the Quarterly County Court at its regular April, 1951, session, who shall hold office until the first Monday in January, 1952, or until his successor is elected and qualified. That on the first Monday in January, 1952, and annually thereafter the Quarterly County Court shall elect a succeeding official for said office for a term of one year, or until his successor shall be duly elected and qualified in accordance with the provisions hereof, provided that no person shall be elected to said office of County Attorney unless he is a duly licensed attorney.

The said County Attorney before entering upon the duties of his office shall subscribe to the following oath before some officer authorized to administer oaths, to-wit: "I, _____ do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Tennessee, and that as County Attorney for the County of _____, State of Tennessee, which office I am about to assume, I will perform all the duties of said office as provided by law, to the best of my skill and ability. So help me God."

This oath, together with a written memorandum of the County Judge or Chairman, showing his election shall be filed with the County Court Clerk of the County, and it shall be the duty of the said County Court Clerk to spread the same upon the minutes of the Court.

SECTION 2. That the salary of said County Attorney shall be not less than One Thousand and Two Hundred Dollars (\$1,200.00) per annum, payable in twelve (12) equal monthly installments on the first day of each and every month following his election, during his term of office and until his successor is duly elected and qualified, payable out of the general funds of the County upon warrant of the County Judge or Chairman or any other official authorized and empowered to draw warrants upon the general funds of the County, directed to the County Trustee.

As amended by: Private Acts of 1975, Chapter 108

SECTION 3. That the County Judge is hereby authorized and empowered to employ additional attorney or attorneys in any case or cases where the County is a party to a suit filed in any of the courts, when it shall appear to him, that there is extra, unusual and out of the ordinary litigation and matters requiring an unusual amount of work and time, or of great length and duration, or for work and services which would not be reasonably deemed, considered or contemplated to be the usual and ordinary work or duties of a County Attorney. In such case or cases where additional attorney or attorneys are employed to assist the County Attorney, the Quarterly County Court shall fix the compensation for such additional attorney or attorneys. Provided, however, that in matters requiring an unusual amount of work and time and which could not reasonably be considered as the usual and ordinary work of the County Attorney, the County Judge may employ the County Attorney or any other attorney. If the County Attorney is employed in such matters, then he shall receive compensation for his services which shall be in addition to his regular salary as County Attorney.

As amended by: Private Acts of 1975, Chapter 108

SECTION 4. That the duties of the County Attorney shall be to give and render legal aid and advice to all the County Officials and their duly appointed or employed deputies or employees, and members of the Quarterly County Court in matters relating to their official work and official duties, to transact the usual legal business of the County, in court or otherwise, to meet with the Quarterly County Court at its sessions, and to aid and give legal advice and render legal services to its duly appointed Committees and representatives, and to render such other services in behalf of the County as may reasonably be deemed and construed to be the usual, customary and ordinary duties of a County Attorney, such as the drawing of contracts or passing on, approving or rejecting such instruments and conveyances to and from the County, and to appear for and in behalf of the County in hearings, proceedings, suits, causes and matters affecting the County or its interests, wherever and whenever such matters, proceedings, causes, suits or hearings may be held or pending, when properly instructed or requested so to do by the County Judge or Chairman of said county or counties or the officials of the county acting within the scope of their authority. Nothing in this act shall be construed as requiring the County Attorney to serve as delinquent tax attorney, nor shall the County Attorney be precluded from serving as delinquent tax attorney in accordance with the general law as an employment separate and apart from his or her duties as County Attorney.

As amended by: Private Acts of 1995, Chapter 13

SECTION 5. The several clauses and parts of this Act are mutually independent of each other, and if any part of this Act should be declared unconstitutional, void, or invalid, no other part of this Act shall be affected thereby.

SECTION 6. That all Acts or parts of Acts in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

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