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# County Attorney

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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 1935 Chapter 609

**SECTION 1.** That the office of County Attorney is hereby created and established for Sullivan County, Tennessee, and A. B. Whiteaker, a practicing attorney and citizen of Sullivan County, Tennessee, is hereby appointed to fill said office until the next regular election, to be held on the First Thursday in August, 1936. The County Attorney of Sullivan County shall be elected by the qualified voters of the county of Sullivan for a period of four (4) years, which period shall constitute the term of said office. That before entering upon the duties of the office, he shall execute a bond in some Guaranty Bonding Company, authorized to do business in the State of Tennessee, in the penal sum of Five Thousand (\$5,000) Dollars, conditioned on the faithful performance of his duties and his accounting for any paying over all monies that shall come into his hands as such County Attorney, said bond to be approved by the County Judge or Chairman, if he is satisfied it is good, the bond to be filed with the County Court Clerk and entered on the Minutes of the Court. The premiums on said bond or bonds, shall be paid out of the ordinary fund of the County, for which the County Judge or Chairman shall issue a county warrant on the Trustee. The said County Attorney will also be required, before entering upon the duties of his office, to take and subscribe to the following oath before some officer, authorized to administer oaths, to-wit:

I, \_\_\_\_\_, do solemnly swear, that I will support the Constitution of the United States and of the State of Tennessee, and that as County Attorney for the County of Sullivan, 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.

\_\_\_\_\_(Seal)

This oath shall be filed with the County Court Clerk and spread upon the Minutes of the Court. No one shall be eligible to fill the position of County Attorney, unless he is a citizen and resident of the County and a legally qualified, practicing attorney at the Bar.

As amended by: Private Acts of 1941, Chapter 192.

**SECTION 2.** That the said County Attorney shall be the attorney and solicitor for the County in all legal matters, in which the County requires the services of an attorney or solicitor, including all suits in which the County has an interest now pending in any of the Courts, either by the County, or against the County, and all suits hereafter brought either by the County or against it. He shall represent the County in all condemnation cases, all civil suits brought against the County, except when insurance companies have coverage, in all suits involving county officials in their official duties, review all contracts to be entered into by the County, review all resolutions prior to vote to determine legality, file and prosecute all tax delinquency matters, attend all meetings of the County Court, both regular and called sessions, attend all committee meetings when requested by the Chairman to do so, attend the meetings of the school board when requested to do so by the Chairman, prosecute all cases involving the personal use of County funds by any County official including use of assets of the County for personal use, advise the County Judge and members of the County Court upon request on legal matters concerning County government, advise all county officeholders upon request concerning legal matters, and do all other things required by statute and the act creating the office of county attorney. The Office of the County Attorney for Sullivan County shall be a full-time position, and the County Attorney shall not be allowed to maintain a private practice of law.

As amended by: Private Acts of 1935 (Ex. Sess.), Chapter 27.,  
Private Acts of 1974, Chapter 288,  
Private Acts of 1997, Chapter 64.

**SECTION 3.** The salary of the Sullivan County Attorney shall be established by the Sullivan County Board of Commissioners at least sixty (60) days before the qualifying deadline for primary elections for the Office of the Sullivan County Attorney for 1998 as well as for each term of office thereafter.

As amended by: Private Acts of 1935 (Ex. Sess.), Chapter 27.,  
Private Acts of 1937, Chapter 524,  
Private Acts of 1961, Chapter 360,  
Private Acts of 1974, Chapter 288,  
Private Acts of 1977, Chapter 35,  
Private Acts of 1990, Chapter 208,  
Private Acts of 1997, Chapter 64.

**SECTION 4.** In all cases the County Attorney shall be governed in his actions by the County Executive, except where the Board of Commissioners shall direct him, then he will follow the directions of the Board of Commissioners. In all cases involving self-insurance claims, the County Attorney shall have the authority, in cases where there is a conflict of interest between the Defendants or cases which require the services of additional counsel or for other reasons deemed by the County Attorney in the best interest of the county or employees of the county who are the subject of litigation, to employ such additional counsel at such rate as may be negotiated pursuant to contract as is now currently provided in the Sullivan County Laws and Resolutions and in accordance with current practice in regard to the application of such attorney's fees and expenses for payment from the county's self-insurance fund. That all proposed settlements of litigation, other than worker's compensation matters or other than such matters as may be involved in condemnation proceedings where settlement is authorized by the Sullivan County Highway Commissioner and/or by the county's appraisers, shall be approved by the Sullivan County Executive Committee.

As amended by: Private Acts of 1990, Chapter 208.

**SECTION 5.** That in case the said A. B. Whitetaker shall fail or refuse to accept the said position of County Attorney within thirty (30) days after the passage of this Act, the position will be considered vacant and shall be filled by appointment by the County Judge. In case of vacancy in said office at any time by death, resignation, or removal of the incumbent, the vacancy shall be filled by appointment to be made by the County Judge until the next regular election, when his successor will be elected by vote of the people of the County, to fill the unexpired term.

**SECTION 6.** That all laws and parts of laws in conflict with 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: April 18, 1935

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