



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 7, 2019

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CC:
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Re: Responsibility for Final Judgment in *State of Texas ex rel. Best v. Harper*, No. C10369 (249th Dist. Ct., Somervell County, Tex. Sept. 10, 2019)

Mr. Mackenzie:

It is our understanding that the local trial court signed a final judgment in *State of Texas ex rel. Best v. Harper*, No. C10369 (249th Dist. Ct., Somervell County, Tex. Sept. 10, 2019), awarding sanctions and attorneys' fees to an individual based upon a case prosecuted by Somervell County's County Attorney on behalf of the County government.

The parties in this case reached out to our office regarding *collection* of the final judgment, however, Somervell County and/or Somervell County's District Attorney are responsible for judgments for attorneys' fees and sanctions. *See, e.g.*, Tex. Local Gov't Code § 87.017(c) (requiring the county to pay expenses related to a prosecution under that code, thus waiving the county's immunity for those costs). As the parties are aware, Somervell County and its County

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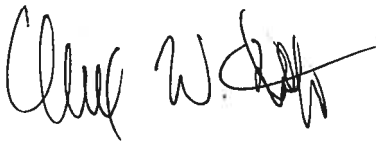
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Attorney prosecuted the underlying legal action at its own discretion and without any involvement of our office.

No law authorizes or requires our office to request the Comptroller to disburse General Revenue funds on the basis of discretionary decisions by local governments which result in them being sanctioned by a court. There is no waiver of immunity that would create liability for judgments of fees and sanctions in cases prosecuted by local governments. *See, e.g., Tex. Local Gov't Code § 87.001 et seq.*

Accordingly, the parties may wish to collaborate regarding collection of this judgment from Somervell County and its County Attorney rather than from our office or from any other arm of the state government.

Sincerely,

A handwritten signature in black ink, appearing to read "Cleve W. Doty", with a stylized flourish at the end.

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