

Opinion 1
December 1946
18 Baylor L. Rev. 195 (1966)

CONFLICTING INTERESTS - COURT CLERKS

An attorney serving as the clerk of any court of record who wishes to perform legal services in addition to his official duties is limited to office practice which has no connection with court proceedings.

DIVISION OF FEES - COURT CLERKS

A division of fees for court proceedings between an attorney while serving as the clerk of any court of record and another attorney, is improper.

Canons 6, 31.

QUESTION

A member of the State Bar of Texas, who is also a district clerk, inquires whether he can "represent a few clients in minor legal matters such as probate work, drafting a will, deeds, etc., and in the event a friend wishes me to represent him or her in such matters as divorce proceedings. I would like to take the case and call upon some friendly attorney to assist me in prosecution of such causes. I am sure I would not wish to practice law on the District Courts of this county if I could but in some cases I would like to go ahead and call upon some friendly attorney to assist me. I would not wish to do active trial practice."

OPINION

A member of the State Bar while serving as the clerk of any court of record can only do office practice, which has no connection, either directly or indirectly, with court proceedings. He cannot have anything to do with court proceedings. Art. 319, Revised Civil Statutes. It is also the opinion of the committee that a division of fees for court proceedings between such a clerk and another member of the State Bar would violate the spirit of Canon 31 and of Sec. 4, Art. 430a of the Penal Code. (7-0)