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Committee on Judicial Affairs

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May 17, 2003

RQ-0073-GA

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The Honorable Greg Abbott
Attorney General of Texas
ATTN: OPINIONS COMMITTEE
Price Daniel, Sr. Bldg.
Austin, Texas 78701

FILE # ML-43168-03
I.D. # 43168

RE: Request for Opinion on school board payment for legal fees to a third party

Dear General Abbott:

As a follow-up to Opinion GA-0062, if a school district prevails in a whistle-blower suit, and improperly pays the attorney's fees of the non-prevailing employee:

1. Are the school trustees individually liable to the district for the wrongful payment? and
2. May the district withhold the wrongful payment from the non-prevailing employee's wages or salary?

If you have any further questions, please contact Rowland Greenwade in my Capitol office at 463-0576. I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Will Hartnett".

Will Hartnett
Chair