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**RQ-0001-AC**

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**I.D.# 49291**

July 21, 2023

The Honorable Angela Colmenero  
Interim Texas Attorney General  
Attn: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548  
VIA EMAIL: [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)

RE: Authority of the Judge of a multi-county district to appoint different Court Coordinators for each county of the district and related questions.

Dear General Colmenero and Opinion Committee:

**Requested Opinion**

This letter requests a formal written opinion on the authority of a judge of a multi-county district to appoint a different court coordinator for each county within the district or is the court limited to appointing one coordinator for the entire district, supplemented by assistants, staff and support personnel depending on the needs of each county. If a multi-county district court is limited to a single coordinator, how is their compensation apportioned to the separate counties.

**Factual Scenario**

The 27th Judicial District is composed of Bell and Lampasas counties. Bell County is served by five (5) other district courts. The only district court with jurisdiction in Lampasas County is the 27<sup>th</sup>. Lampasas County does not have a statutory county court. Generally, the 27<sup>th</sup> District Court sits one day a week for a docket and one week per month for jury trials in Lampasas County; the balance of time sitting in Bell County.

Each district court and statutory county court in Bell County is served by a court coordinator. Bell County also employs support staff for the coordinators. The 27<sup>th</sup> Judicial District Court coordinator's duties are limited to Bell County matters.

The 27<sup>th</sup> Judicial District Court docket for Lampasas County is not served by any coordinator or support staff appointed, employed, or compensated as described under Texas Government Code Chapter 74. Lampasas County does not contribute to the compensation for the 27<sup>th</sup> Judicial District Court coordinator serving Bell County nor any of her support staff. Rather, the Lampasas District Clerk's office manages the court's dockets, notices, trial schedules and other matters typically performed by a court coordinator. The clerk's office has fulfilled these duties for well over 20 years, but with the growth of both counties and their respective dockets it is becoming more difficult for the clerk's office to focus on the duties of the clerk with the disruptions associated with the duties of a court coordinator.

The Judge of the 27<sup>th</sup> Judicial District seeks to appoint a court coordinator for Lampasas County matters presumably under Gov. Code §74.101, with compensation determined and funded as provided by §74.104; noting on his Lampasas County budget worksheet "court coordinator salary & benefits." To date, the Lampasas County Commissioners Court has not approved the position nor compensation.

### Applicable Statutes

#### Tex. Gov't Code Chapter 74 COURT COORDINATORS

**§74.101. COURT COORDINATORS.** (a) The local administrative judge and each district or statutory county court judge may establish a court coordinator system and appoint a **court coordinator for his court** to improve justice and expedite the processing of cases through the courts. (b) Each court coordinator serves at the pleasure of the judge who appointed him.

**§74.102. DUTIES.** (a) The courts by local administrative rule shall designate the duties of the court coordinators. (b) To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts.

**§74.103. STAFF.** The courts may appoint appropriate staff and support personnel according to the needs in each county.

**§74.104. COMPENSATION.** (a) The judges shall determine reasonable compensation for the court coordinators, subject to approval of the commissioners court. (b) Upon approval by the commissioners court of the position and compensation, the commissioners court of the county shall provide the necessary funding through the county's budget process. County funds may be supplemented in whole or part through public or private grants.

**§74.105. OTHER LAW.** This subchapter does not affect other provisions of law relating to the pay and duties of court administrators, court managers, and court coordinators.

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#### Tex. Local Gov't Code Chapter 151 COUNTY EMPLOYMENT AUTHORITY

**§151.001. OFFICER APPLIES TO COMMISSIONERS COURT FOR AUTHORITY TO APPOINT EMPLOYEES.** (a) A district, county, or precinct officer who requires the services of deputies, assistants, or clerks in the performance of the officer's duties shall apply to the commissioners court of the county in which the officer serves for the authority to appoint the employees. If the county has a population of more than 190,000, the officer shall apply for the authority to appoint any other kinds of employees. (b) The application must be sworn and must state: (1) the number of employees required; (2) the title of the positions to be filled; and (3) the

amounts to be paid the employees. (c) If the application is made in a county with a population of more than 190,000, it must also describe the duties to be performed by the employees. (d) The application must be accompanied by a statement of the probable receipts from fees, commissions, and compensation to be collected by the office during the fiscal year and the probable disbursements, including salaries and expenses, of the office.

**Tex. Local Gov't Code Chapter 152 COMPENSATION OF COUNTY EMPLOYEES**

**§152.011. AMOUNT SET BY COMMISSIONERS COURT.** The commissioners court of a county shall set the amount of the compensation, office and travel expenses, and all other allowances for county and precinct officers and employees who are paid wholly from county funds.

**Relevant Attorney General Opinion**

**Letter Opinion No. 94-22 (1992)**

Discussing the distinctions of authority between the court seeking the appointment of a coordinator and determining reasonable compensation and the commissioners court approving the position and compensation. LO-94-22 has been questioned (see KP-0298) as to the scope of commissioners court's authority to unilaterally set the court coordinator's salary, but not as to the requirement of approval of the position.

**Opinion No. KP-0298 (2020)**

While not directly addressing whether a court may appoint more than one coordinator, the opinion does discuss the distinction between how compensation is determined when a court elects under §74.101 to appoint a coordinator verse how compensation is set for assistant court coordinators appointed under §74.103 with compensation under §152.011 of the Local Government Code.

**Questions**

Can a district judge with a jurisdiction of more than one county, appoint court coordinators for each county under §74.101 with compensation for each such appointment set under §74.104 OR is the court limited to the appointment of only one court coordinator under §74.101 and assistant court coordinator(s) as provided by §74.103 or other support personal with compensation set under §152.011?

If a district judge with a jurisdiction of more than one county is limited to the appointment of only one coordinator under §74.101, are all counties required to approve the position and compensation and is the coordinator required to provide coordination services to all the counties of the district? How are the costs of a single coordinator shared by the multiple counties?

To appoint staff as described by Tex. Gov't Code §74.103, is the judge of the court seeking the appointment required to comply with Tex. Local Gov't Code Chapter §151.001 for authority to make such appointments?

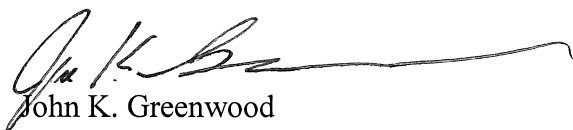
## Discussion

Chapter 74 appears intended to grant flexibility to individual courts in the establishment of a court coordinator system; providing the courts by local administrative rule shall designate the duties of the court coordinators. This flexibility is necessary given the varied court jurisdictions throughout the State; not just as to the number of counties they serve but overlapping jurisdictions, types of cases that may be heard, the volume of cases, the use of visiting judges, counties vastly different populations and disparate needs, and other aspects that may require an extensive coordinator system or a simple calendar. But with that flexibility, the statute speaks of the court coordinator in singular terms providing for assistants with distinctly different authority to appoint and compensate.

Unlike with other shared expenses of a multi-county district court such as the court reporter (for the 27<sup>th</sup> District Court, Bell County pays 80% and Lampasas County pays 20%), Chapter 74 fails to provide any guidance for sharing to costs of a court coordinator system or a coordinator, other than authorizing county funds to be supplemented through public grants under §74.014. Of course, the cost of providing a coordinator should be born fairly among the counties served.

Two or more coordinators serving individual counties in the same judicial district may create conflicts with scheduling and other inefficiencies that defeat the very purpose of a coordinator system whereas a single coordinator with subordinates to assist may better address the needs of the individual counties and the district as a whole. For these reasons we look forward to your response and appreciate your time and efforts in addressing these questions.

Respectfully submitted,



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CC: Hon. John Gauntt, Judge 27<sup>th</sup> District Court  
Hon. Randy Hoyer, Judge Lampasas County Court  
Texas Office of Court Administration