



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

JM-213 Clarify this Opinion

April 27, 1973

The Honorable Jerry Spencer Davis  
County Attorney for Hunt County  
P. O. Box 1097  
Greenville, Texas 75401

Letter Advisory No: 23

Re: Dual Employment

Dear Mr. Davis:

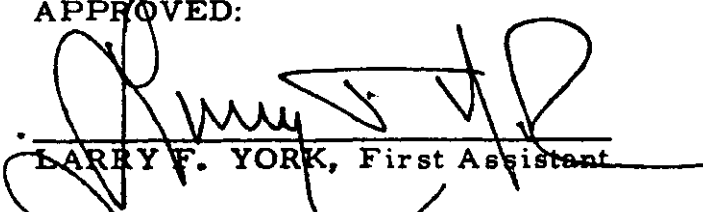
You have submitted to us the following question: "Is there a conflict of interest or for that matter any plausible reason why a person can not hold both the elective office of County Court at Law Judge and also the elective office of School Board member, particularly when no remuneration is given for the latter?"

The separation of powers established by Article 2, §1 of the Constitution of the State of Texas disqualifies a County Judge from serving on a School Board. As County Judge he is a member of the judicial department. He may not, as such, "exercise any power properly attached to" the executive department, of which school boards are a part.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee