

1978-1979 Ky. Op. Atty. Gen. 2-10, Ky. OAG
78-13, 1978 WL 26839 (Ky.A.G.)

*1 Office of the Attorney General

Commonwealth of Kentucky

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January 6, 1978

Mr. Dwight Preston
Lewis, Bland & Preston
Attorneys at Law
P. O. Box 863
Elizabethtown, Kentucky 42701

Dear Mr. Preston:

You are the newly elected County Attorney of Hardin County. Your law firm has been representing a water district and the local hospital.

You ask if you should enter into a contract with the fiscal court as to the scope of your duties and compensation. The answer is "no." Your civil duties are prescribed by [KRS 69.210](#). Your compensation is strictly up to the fiscal court under [KRS 64.530](#), although there is nothing to prevent your discussing an equitable salary with them.

You ask about your firm's carrying on legal representation of the water district and hospital.

[KRS 74.030](#) requires the County Attorney to act as counsel to the water commission without extra compensation. The same is true of the County Hospital. You propose that any legal fees accruing to your firm in the representation of the water district and hospital would be divided only among your partners, excluding yourself. [KRS 74.030](#) permits the water district to employ counsel other than the

County Attorney.

It is our opinion that if the legal fees accruing for work performed by your partners for the water district and hospital are only divided among your partners, excluding yourself, the legislative policy of no extra compensation to the County Attorney would be subserved.

Sincerely,
Robert F. Stephens
Attorney General

By: Charles W. Runyan
Assistant Deputy Attorney General

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