

Legal Q&A
By TML Legal Staff
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What is the Texas Municipal League's Legal Services Department?

The League's Legal Services Department provides general guidance to city officials on legal issues. The League hired its first lawyer in the 1950s. Since that time, the Legal Services Department's staff has expanded to meet the growing needs of our member cities. The current staff of four lawyers, a part-time law clerk, and a legal assistant performs numerous functions for the League's member cities. The main role of the department is to answer inquiries from the elected and appointed officials of the League's member cities about legal issues within their official responsibilities.

What is the background of the department's attorneys?

The lawyers have diverse backgrounds. Two worked previously for the Texas attorney general's office, one worked for the Texas Railroad Commission, and another was a briefing attorney for the Texas Supreme Court. All three of the current legal counsels (staff attorneys) served as law clerks to the League while attending the University of Texas School of Law.

What is the most important service that the department provides?

Responding to legal inquiries from member city officials. The legal staff responds to hundreds of phone calls, e-mails, and letters each week. In fact, over the last five years, the attorneys have provided legal advice to more than seventy-five percent of the League's 1,100 member cities. The inquiries range from simple questions to consultations on cutting-edge legal matters.

How does the legal department support the League's legislative activities?

The legal staff provides support for the TML Legislative Services Department on legislative matters throughout the legislative sessions and during the interim. That support includes legal research, bill analysis, drafting of legislation, testimony on city-related bills, and coordination of city officials' testimony, among other things. During the 2007 regular session, TML lawyers reviewed and analyzed more than 6,000 bills and testified on bills before almost every committee of the Texas Legislature.

What other services does the department provide?

The legal staff performs various other functions, including:

- Writing and updating the *TML Handbook for Mayors and Councilmembers in Home Rule Cities* and the *TML Handbook for Mayors and Councilmembers in General Law Cities*.
- For the last update, the legal staff incorporated approximately 100 bills and dozens of other legal changes into the handbooks.

- In association with the Texas City Attorneys Association, providing “amicus curiae (friend of the court)” briefs in both state and federal appellate court cases and on attorney general opinion requests that could adversely affect our member cities. During the past year, TML has filed more than 15 amicus curiae briefs, including a brief at the United States Supreme Court.
- Preparing legal question-and-answer columns like this one and other articles for *Texas Town & City* magazine.
- Researching and writing articles for the *TML Legislative Update*.
- Conducting the “Agency Watch” program, which consists of monitoring 50 state agencies for any rulemakings or other actions that may adversely affect our member cities, and participating or filing comments when appropriate. Recently, the League has participated in rulemakings or provided other input at the following state agencies: (1) the Texas Commission on Environmental Quality; (2) the Public Utility Commission; (3) the Department of Health; (4) the Department of Transportation; (5) the Secretary of State’s Office; (6) the Railroad Commission; (7) the Ethics Commission; (8) the Office of Rural Community Affairs; (9) the Office of the Firefighters’ Pension Commissioner; and (10) the Texas Board of Professional Engineers.
- Preparing materials for the TML Web site.
- Preparing materials for and presenting at numerous TML and TML affiliate workshops, Small Cities’ Problem-Solving Clinics, and other seminars, as well as providing speakers with expertise in city issues to other organizations. Over the past year, TML lawyers have spoken at more than 20 workshops and seminars.

How do I contact the legal department?

The legal staff is available for phone consultation at 512-231-7400 from 8:00 a.m. – 5:00 p.m. Monday through Friday. The most common way that city officials submit inquiries is through e-mails to legal@tml.org. A great deal of information is also located on the “Legal” section of the League’s Web site at www.tml.org.

What else do I need to know about the legal department?

City officials should remember that the League’s attorneys serve as a resource to provide general guidance on legal issues. We do not directly represent your city, and our legal guidance should never be substituted for that of your local counsel.