

Preface

I would like to thank my partner, Danny Griffith, and Chris Powell, an associate with Griffith & Griffith, for their help in editing the final draft of this book and making substantive revisions to the text on Section 1983 Liability and the Mississippi Tort Claims Act.

This book started out as a solo effort a decade ago in the form of a chapter of **County Government in Mississippi: A Handbook for Supervisors**. This third revision has the same objective of providing a practical overview of the job of the County Board Attorney, expanding the treatment of the more rapidly developing areas of local government practice and litigation. Our focus is on specific topics important to county government and, like the 2000 update, we will address public sector issues in light of intervening state and federal case law, statutory developments, and perceived trends. Topics covered included the Open Meetings Act, Public Records Act, civil rights litigation, with expanded treatment of sexual harassment and other Title VII claims, First Amendment rights of public sector employees, employment practices and policies, lawful expenditure of county funds, and permitted action under County Home Rule. This will be followed by segments on conflicts of interest, nepotism, separation of powers, the Ethics in Government Act, official opinions from the Attorney General and advisory ethics opinions from the Mississippi Ethics Commission. A more expansive treatment of the requirements, exemptions, and scope of the Mississippi Tort Claims Act and insurance coverage considerations, particularly for law enforcement liability, is also included. We will also include discussion of interlocal cooperation agreements, road and bridge work, and work on private property. The final segment is a broad brush review of recent developments in the relationship between federal, state, local governments.

A Board Attorney is often expected to be the legal Jack-of-all-trades for the governing body of the county. He or she is expected to provide competent legal representation and advice to County Supervisors and other elected officials about a wide variety of problems facing county government. Unlike an attorney engaged in an exclusively private practice, a Board Attorney's practice entails immersion in local government matters, with a lot of time and energy revolving around meetings and decisions of the county board of supervisors. When called upon for legal guidance with regard to county services, programs, functions, activities and responsibilities, he or she is given an additional layer of ethical standards governing professional conduct in the public sector. The soundness of the Board Attorney's legal advice, moreover, may spell the difference between a Supervisor's personal liability or immunity.