

**Cities and Towns—City Attorney — Counties — County Attorney—Public Officers.**

One person cannot hold at the same time the offices of County Attorney and City Attorney.

L. Q. Skelton, Esq.,  
State Examiner,  
Helena, Montana.

My dear Mr. Skelton:

You have submitted to me the following question, and have asked my opinion thereon:

“Is it legal for a person to hold the office of County Attorney and City Attorney at the same time?”

Under our system of government, in many instances the business of the county government and of the city government is handled through the same officer. For example, many cities do not have health

boards of their own, but exercise their right under the laws to come under the jurisdiction of the County Board of Health, and city taxes are often collected by the County Treasurer. These two instances of official action, together with others, may, and very often do, result in disputes between the county and the cities therein, requiring official interpretation of laws, counsel, and very often law suits, all of which involves the office of the County Attorney on behalf of the county, and the City Attorney on behalf of the city. It is at once apparent that one person should not counsel the officers of both governments, nor interpret the laws for them, where official action will depend on that interpretation, and it is impossible for one attorney to represent two sides in a law suit. The duties of the two offices are, therefore, incompatible and it is well settled that, while one person may hold two or more offices where the duties of each are not conflicting with the other or require one person to represent adverse interests, he may not do so where the duties of the two offices are incompatible.

It is, therefore, my opinion that, for the reasons above stated, one person can not hold at the same time the offices of County Attorney and City Attorney.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.