POLICIES OF COUNTY ATTORNEY'S OFFICE
REGARDING QUO WARRANTO PROCEEDINGS

For many years the County Attorney's Office has adhered to certain policies regarding quo warranto proceedings brought on the relation of a private individual or individuals affecting a limited segment of the public or a limited area of the county.

These policies have been found to be fair to both the relators and the defendants and to those members of the public not directly affected. Further, these policies have proven acceptable to the courts.

Although these policies are fairly well known to most attorneys, we believe it advisable to reduce them to writing to preclude any misunderstanding or confusion by the lay public or any attorney not having heretofore handled a quo warranto.

Basically the policies are as follows:

1. The initial pleadings prepared by an attorney retained by the relators and sworn to by the relator will be presented by the attorney to this office.

2. Affidavits or other evidence, (maps, city charters and ordinances, documents etc.) as appropriate should be submitted.

3. A letter by the attorney for the relators addressed to the County Attorney and assuring the County Attorney that he;
   a. Undertakes responsibility for prosecuting the case with diligence and with effect in behalf of the State and the relators;
   b. Will defray any and all costs, fees and expenses involved in the litigation (The attorney is responsible for securing whatever advances, fees or assurances from his clients he deems necessary for his protection).

4. A memo brief will be submitted to the County Attorney covering:
   a. Appropriateness of a quo warranto proceeding in the matter at hand;
b. Absence of other remedies.

5. The County Attorney's office will be supplied with copies of subsequent pleadings, briefs and other matters as prepared and filed but will not expect to review and sign such documents individually before they are filed.

The initial petition will be submitted by relator's attorney with the expectation that the County Attorney's office will study and review same with a view toward determining:

(A) That the matter involves a bona fide controversy;

(B) That the pleadings are in proper order and the allegations have merit;

(C) That the proceeding is not attempted to be brought as a frivolous matter or simply for harassment of the prospective defendants.

This study and review by the County Attorney's office will be expedited in every way possible but must be expected to involve a minimum time of at least three (3) work days.

All parties are cautioned and advised that NO stipulations or agreements of fact and NO agreed settlement will be made by or on behalf of the State during the course of the proceedings. These matters must be the subject of findings by the courts based upon evidence introduced.