

**Opinion No. 36-1283**

January 22, 1936

**BY:** FRANK H. PATTON, Attorney General

**TO:** Sage, Gray, Todd & Sims, Attorneys at Law, 49 Wall Street, New York, N.Y.

{\*98} I wish to acknowledge receipt of your letter of January 20th, wherein you detail procedure in regard to the proposed compromise in the Kountze Brothers matter.

We desire to call your attention to Section 39-112, of New Mexico Statutes Annotated, 1929 Compilation, which reads as follows:

"The attorney general and district attorneys of this state in their respective districts, when any civil proceedings may be pending in their respective districts, in the district court, in which the state or any county may be a party, whether the same be an ordinary suit, scire facias proceedings, proceedings growing out of any criminal prosecution, or otherwise, shall have power to compromise or settle said suit or proceedings, or grant a release or enter satisfaction in whole or in part, or any claim or judgment in the name of the state or county, or dismiss the same, or take any other steps or proceedings therein which to him may appear proper and right; and all such civil suits and proceedings shall be entirely under the management and control of the said attorney general or district attorneys {\*99} and all compromises, releases and satisfactions heretofore made or entered into by said officers are hereby confirmed and ratified."

In view of this provision it is my opinion that the procedure related by you would substantially comply with the constitutional and statutory requirements, inasmuch as you are in fact acting for this office and for the various district attorneys in this state who are involved in the present litigation by reason of being legal advisors for the counties who have pending claims.

In view of the foregoing, we may add that you have the permission of this office to make these settlements in all cases where we have authorization from the counties, and I am mailing copies of this letter to the counties who have written to me up to date.