

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
425 FIFTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243

March 13, 2000

Opinion No. 00-043

General Sessions Judge Serving as Trenton City Judge

QUESTION

May a full-time general sessions judge also serve as the Trenton City Judge?

OPINION

Holding both offices would not be permissible under Article VI, Section 7 of the Tennessee Constitution. An interlocal agreement, however, may be entered into under Tenn. Code Ann. § 12-9-104.

ANALYSIS

The request asks whether a full-time general sessions judge may also serve as the Trenton City Judge. Under Article VI, Section 7 of the Tennessee Constitution, judges of the Supreme Court and inferior courts “shall not be allowed any fees or perquisites of office nor hold any other office of trust or profit under this State or the United States.” General sessions judges are judges of inferior courts to whom this provision applies. *Op. Tenn. Atty. Gen. 98-171* (August 28, 1998). In that opinion, our Office concluded that, based on the Manchester City Charter, the City Court Judge of Manchester is an “office of trust or profit” within the meaning of Article VI, Section 7.

Similarly, the Trenton City Charter refers to the position of City Judge as an “office.” Trenton City Charter, § 8. Moreover, the Trenton City Judge is popularly elected for an eight-year term. *Id.* The position is therefore an “office of trust or profit” within the meaning of Article VI, Section 7 of the Tennessee Constitution. For this reason, a general sessions judge may not constitutionally also hold the office of Trenton City Judge. As we noted in our earlier opinion, however, an interlocal agreement may be entered into by the city, the sheriff, the court of general sessions, and the county governing body to provide for the enforcement of the municipal ordinances by an elected general sessions judge, provided there is no additional compensation paid to the judge. Tenn. Code Ann. § 12-9-104(a)(1).

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

ANN LOUISE VIX
Senior Counsel

Requested by:

Honorable Paul Phelan
State Representative
34 Legislative Plaza
Nashville, TN 37243-0179