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April 15, 2002

Opinion No. 02-046

Lake County General Sessions Judge as Part-Time Position

QUESTION

Is the Lake County General Sessions Judge prohibited from the private practice of law while in office?

OPINION

No, except to the extent such practice constitutes a conflict of interest. It is our opinion that the private act making the office of Lake County General Sessions Judge a full-time position is superseded by Tenn. Code Ann. § 16-15-5002(b).

ANALYSIS

This opinion addresses whether the Lake County General Sessions Judge, assuming he or she is an attorney, is prohibited from practicing law while in office. Lake County, under the 1990 and the 2000 census, is a county of the seventh class for the purpose of determining the compensation of a general sessions judge. Tenn. Code Ann. § 16-15-5001(a)(7). Under Tenn. Code Ann. § 16-15-5002(b):

> General sessions judges in Class 4 through Class 8 counties *shall* be considered part-time judges and *shall not* be prohibited from the practice of law or other gainful employment while serving as judge except to the extent such practice or employment constitutes a conflict of interest.

(Emphasis added). This statute was enacted by 1988 Tenn. Pub. Acts Ch. 698. A private act, however, provides that the position of General Sessions Judge of Lake County is a full-time position effective September 1, 1990. 1987 Tenn. Priv. Acts Ch. 49.

Private acts are superseded to the extent necessary to give effect to a general statutory plan. *State ex rel. Strader v. Word*, 508 S.W.2d 539 (Tenn. 1974). We think the General Assembly intended the statute regarding the full-time and part-time status of general sessions judges to apply statewide. Op. Tenn. Atty. Gen. U96-018 (February 29, 1996). Therefore, to the extent the private act makes the position full-

time, it is superseded by Tenn. Code Ann. § 16-15-5002(b). As a result, the Lake County General Sessions Judge may practice law, except to the extent such practice constitutes a conflict of interest.

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