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Opinion No. 06-119

Terms on Judicial Evaluation Commission

QUESTION

Two members of the Judicial Evaluation Commission served a two-year transition term that expired August 31, 2001. Each member was then appointed to a six-year regular term. These terms expire August 31, 2007. Under Tenn. Code Ann. § 17-4-201(b)(9), no member of the commission may serve more than two terms. Are these two members eligible for reappointment when their current terms expire?

OPINION

No. Each member will have served two "terms" within the meaning of the statute.

ANALYSIS

This opinion concerns terms of two members of the Judicial Evaluation Commission. That body was created under Tenn. Code Ann. § 17-4-201, which provides in part:

> (b)(1) The judicial evaluation commission shall be composed of twelve (12) members.
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> * * * *
>
> (8) To stagger the terms of judicial evaluation commission members, beginning September 1, 1999, the four (4) nonlawyer members on the commission shall serve six (6) year transition terms; the four (4) state court judges on the commission shall serve four (4) year transition terms; and the four (4) lawyer members on the commission shall serve two (2) year transition terms. At the conclusion of the transition terms, each regular term of a commission member shall be six (6) years. A vacancy on the commission shall be filled in the same manner as the original appointment for the remainder of the unexpired term.
>
> (9) No commission member shall serve more than two (2) terms.

The General Assembly added subdivision (b)(8) to the statute in 1999. 1999 Tenn. Pub. Acts Ch. 315, § 12. Subdivision (b)(9) was added in 2001. 2001 Tenn. Pub. Acts Ch. 238, § 3. Two of the lawyer members of the commission were originally appointed July 15, 1996, and May 10, 1996.

In accordance with the 1999 amendment adding (b)(8), these two members each received a two-year term that began September 1, 1999, and ended August 31, 2001. House Speaker Naifeh, the appointing authority, reappointed each of them to a six-year term that ends August 31, 2007. The question is whether these two members are eligible to serve another term. The answer to this question is no. Tenn. Code Ann. § 7-4-201(b)(8) refers to "transition terms" and "regular terms." Subdivision (b)(9) states that no member shall serve more than two "terms." The statute does not distinguish between transition terms and regular terms. For this reason, on the expiration of their current terms, the two members will have each served two "terms" within the meaning of (b)(9) and will not be eligible for reappointment.

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