

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

September 17, 2018

Opinion No. 18-43

Compensation of General Sessions Clerk

Question

Under Tenn. Code Ann. § 8-24-102, is a General Sessions Court that includes separate criminal and civil dockets and multiple judges considered a single court for purposes of calculating the compensation of a clerk?

Opinion

Yes.

ANALYSIS

Tennessee Code Annotated § 8-24-102 establishes the minimum level of compensation for various county officers. *See Hayes v. Gibson County*, 288 S.W.3d 334, 338-39 (Tenn. 2009). “General officers” of a county are entitled to the minimum compensation specified in § 8-24-102 for a county of that particular population, and the “clerks of general sessions courts” are included within the definition of “general officers.” Tenn. Code Ann. § 8-24-102(a).

Accordingly, the minimum compensation for the clerk of a General Sessions Court is established in § 8-24-102(a). Section 8-24-102 does not prescribe the maximum salary for a court clerk, but it does mandate generally that “[a]ll general officers of the county,” including clerks, be paid the same amount. *Id.* § 8-24-102(h).

The legislature has provided one very specific and limited exception for court clerks to this requirement of pay parity. Under § 8-24-102(j)(2), a “clerk of court who serves more than one (1) court in the county” or a clerk who “serves as clerk of the court that exercises probate jurisdiction” may receive “additional compensation in the amount of ten percent (10%) of the clerk’s base compensation.” *See Sneyd v. Washington County*, 387 S.W.3d 1, 7-8 (Tenn. Ct. App. 2012); Tenn. Att’y Gen. Op. 06-162 (Oct. 12, 2006). In other words, the exception allowing a clerk to be paid the ten-percent supplement applies in only two instances: (1) if the clerk serves more than one court and (2) if the clerk serves only one court and that court has probate jurisdiction. There is no exception for clerks who serve a single court staffed by more than one judge.

Even when a General Sessions Court has multiple divisions or dockets, the clerk of that court does not “serve[] more than one court” for purposes of § 8-24-102(j) because that court is, in each county, a single, unified court. Each county has a single General Sessions Court of specified jurisdiction. *See* Tenn. Code Ann. § 16-15-101. In some counties, such as Shelby County, the legislature has created multiple divisions or dockets within that General Sessions

Court through private acts, but that legislation does not change the fact that the court remains a single, unified court—if anything, it reinforces that the court is a single court. *See* 1941 Tenn. Priv. Acts, ch. 123, as amended (establishing “*a court* in and for Shelby County, Tennessee, which shall be divided into four (4) divisions,” providing that “there shall be one civil docket and one criminal docket for *the court*,” and establishing “[t]he office of Clerk of *the Court* of General Sessions of Shelby County”) (emphasis added); *see also* Tenn. Att’y Gen. Op. 13-49 (July 1, 2013) (discussing the election of the “Clerk of the Court of the Shelby County General Sessions Court”).

In short, the clerk of a General Sessions Court must be compensated based on the minimum compensation scale for “general officers” set out in § 8-24-102. But the clerk of a General Sessions Court—even one divided into multiple divisions and dockets—is not eligible for the ten percent increase authorized by § 8-24-102(j) unless she also serves as the clerk of another court or the General Sessions Court exercises probate jurisdiction. *See Sneyd*, 387 S.W.3d at 7; Tenn. Att’y Gen. Op. 06-162, at 2. The General Sessions Court of a particular county is a single “court” for purposes of § 8-24-102.

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