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

**December 16, 2025**

**Opinion No. 25-020**

**Establishment of Separate Judicial Districts Within a County**

## Question 1

Under the Tennessee Constitution, may a county be split into two separate judicial districts?

## Opinion 1

Yes. The General Assembly has the authority to establish inferior courts, determine their jurisdiction, and allocate judicial power among them. We discern no constitutional bar to establishing separate judicial districts within a single county.

## Question 2

If a county can be split into two separate judicial districts, can the districts share the same infrastructure such as a courthouse or jail?

## Opinion 2

It might be possible for multiple judicial districts in the same county to share a courthouse, but doing so would involve a number of jurisdictional and logistical wrinkles that would have to be carefully negotiated. We do not perceive any limitation on two districts in the same county sharing a jail.

## ANALYSIS

Under the Tennessee Constitution, the State's judicial power "shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish." Tenn. Const. art. VI, § 1. This Office has previously explained that the effect of this provision "is to confer exclusive authority on the Legislature to create and establish inferior courts in Tennessee." Tenn. Att'y Gen. Op. 18-33 (July 30, 2018). And we have further noted that "[t]he constitutional authority vested in the Legislature to establish inferior courts includes the authority to determine the jurisdiction of those courts and to allocate the judicial power among them." *Id.*

The Tennessee General Assembly has exercised its constitutional authority by dividing the State into thirty-two judicial districts, delineating each district by county or set of counties. Tenn. Code Ann. § 16-2-506. But we are aware of no authority that requires judicial district boundaries to overlap with county boundaries. Subject to certain qualifications discussed below, we therefore

believe that the General Assembly has authority to split a county into separate judicial districts.[1] Although these separate judicial districts might be able to share some infrastructure, such as a jail, the sharing of courtroom infrastructure would invite a number of complications and may not be feasible. We will address each of these matters separately below.

**1.** The modern-day judicial districts of Tenn. Code Ann. § 16-2-506 are of relatively recent vintage. *McNabb v. Harrison*, 710 S.W.3d 653, 661 (Tenn. 2025). The current system originates from a 1984 judicial-redistricting law that affected the entire State. According to the General Assembly, the purpose of its 1984 redistricting effort was "to reorganize the existing trial court system of this state in such a way that its growth occurs in a logical and orderly manner." Tenn. Code Ann. § 16-2-501. Although the General Assembly organizes judicial districts congruent with county lines, we see nothing in the Tennessee Constitution that mandates such an organizing principle. The Tennessee Constitution simply provides that the State's judicial power "shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish." Tenn. Const. art. VI, § 1. There are no parameters under this provision as to where the General Assembly might choose to establish the State's inferior courts. And there is nothing in the text that would prohibit the General Assembly from creating separate judicial districts within a single county. We believe the absence of such a prohibition yields the answer to your question. After all, it is a long-standing principle that the General Assembly "may enact any legislation not forbidden by the Tennessee or federal constitutions." *Eye Clinic, P.C. v. Jackson-Madison Cnty. Gen. Hosp.*, 986 S.W.2d 565, 578 (Tenn. Ct. App. 1998).

To be sure, there are certain requirements as to how the General Assembly might choose to organize the State's justice system. Under Tenn. Const. art. VI, § 4, for instance, it is constitutionally mandated that inferior court judges "be elected by the qualified voters of the district or circuit to which they are to be assigned." But there is nothing in this provision, or elsewhere in our State Constitution, circumscribing the geographic contours of a judicial "district" or "circuit." Under the Tennessee Constitution, the delineation of judicial districts is an exclusively legislative prerogative. Indeed, it has long been held that "[i]t is the legitimate business of the legislature to determine how many courts are necessary, and how the various circuits and districts should be arranged and formed." *The Judges' Cases*, 102 Tenn. 509, 53 S.W. 134, 140 (1899) (cleaned up); *see also* Tenn. Att'y Gen. Op. 07-120 (Aug. 13, 2007) (opining that "the Legislature has the authority to define what constitutes a 'district' and 'circuit' to which judges of the inferior courts are to be assigned"). Given the lack of textual constraints, there is an inherent flexibility in how the General Assembly might choose to accomplish this business. The very framework of our State Constitution recognizes that it is "proper for the representatives of the people, session after session, to have the power to provide such changes in the circuits and districts as should be shown by experience and observation to be necessary for the public good." *The Judges' Cases*, 102 Tenn. 509, 53 S.W. at 140 (cleaned up).

It being the sole province of the General Assembly to shape and define how the State's judicial power is established among inferior courts, and the Tennessee Constitution not requiring judicial district boundaries to overlap with county boundaries, we believe that the General

[1] It is worth noting that this Office reached a similar conclusion almost thirty years ago, and the reasoning remains sound. *See* Tenn. Att'y Gen. Op. 96-023 (Feb. 22, 1996).

Assembly may split a county into or between multiple judicial districts. The General Assembly has the freedom to change the current allocation and structure of inferior courts as it deems appropriate in the public's interest. If the General Assembly determines that the public is best served by judicial districts that split a county, or even a municipality, that decision falls squarely within its discretion.

While the General Assembly has discretion in determining the boundaries of judicial districts, the Tennessee Constitution requires that inferior court judges be subject to election by the qualified voters of the district or circuit to which they are to be assigned. Tenn. Const. art. VI, § 4. So if a new judicial district were to bisect a county, we read the Tennessee Constitution as requiring the judges in each half of the county be subject to election by the voters in the half of the county over which the respective judges would exercise jurisdiction. Moreover, should the General Assembly allocate criminal jurisdiction to multiple districts within one county, legislators should be mindful of Tenn. Const. art. VI, § 5. This section provides that an "Attorney for the State for any circuit or district, for which a Judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district." Tenn. Const. art. VI, § 5.

Prior guidance from this Office illustrates the relevance both requirements could have incident to any redistricting effort. In Op. 96-023, this Office considered the propriety of a bill providing for the "subdistricting of the general sessions and trial courts in Hamilton County." Tenn. Att'y Gen. Op. 96-023 (Feb. 22, 1996). Notably, the proposed "subdistricting" was limited in its scope. It was only for election purposes, as judges were to retain county-wide jurisdiction. *Id.* That proposal, we concluded, was in direct conflict with Tenn. Const. art. VI, § 4. We explained that the Tennessee Constitution does not tolerate "permanently placing the people of a county under the jurisdiction of a judge in whose election they had no voice." *Id.*[2] But we also opined that "legislation limiting the jurisdiction of such judges to the subdistricts from which they were elected" would be constitutional. *Id.* And we further opined that, under Tenn. Const. art. VI, § 5, the division of Hamilton County into separate criminal "subdistricts" "would require the election of separate district attorneys for each of the . . . districts." *Id.*; *see also* Tenn. Att'y Gen. Op. 04-171 (Dec. 15, 2004) ("The General Assembly . . . could not create two separate judicial districts that elect a single district attorney.").

Beyond the requirements of Tenn. Const. art. VI, § 4 and Tenn. Const. art. VI, § 5, any redistricting effort would be constrained also by Tenn. Const. art. X, § 4. In pertinent part, that section provides that the "Seat of Justice" of any county shall not be removed "without the concurrence of two-thirds of the qualified voters of the County." The "Seat of Justice" is commonly referred to as the "county seat," and of particular relevance here, it is understood to be where the courthouse is located and where the chancery and circuit courts are held. *Ellis v. State*, 92 Tenn. 85, 20 S.W. 500, 502 (1892). This provision does not serve as an absolute bar to the establishment of a court outside the county seat so long as courts at the county seat retain

[2] There is authority to support the idea that temporary inconsistency with the Tennessee Constitution can be permitted in connection with redistricting efforts. *See The Judges' Cases*, 102 Tenn. 509, 53 S.W. at 144 ("[I]t is not a valid objection to the exercise of the power that it may result in placing the people of the county so transferred temporarily under the jurisdiction of a judge in whose election they have had no voice."). But this Office has cautioned that "such situations may not exist permanently without running afoul of constitutional mandates." Tenn. Att'y Gen. Op. 87-163 (Oct. 23, 1987).

jurisdiction over the portion of the county that includes the county seat. *See generally Ellis*, 92 Tenn. 85, 20 S.W. at 501–03 (upholding an act that established "the law court of Rockwood at the town of Rockwood, while the county seat is at Kingston"). Further, this provision does not limit moving a county courthouse from one location to another within the county seat. *See Lawson v. Ray*, 549 S.W.2d 373, 377 (Tenn. 1977). But it does work to constrain both direct and indirect means of removing a county seat, *Stuart v. Bair*, 67 Tenn. 141, 146 (1874), meaning creative attempts to avoid this limitation may arouse constitutional ire. Any effort to co-locate two judicial districts in one county must account for this restriction.

None of these caveats, though, alter the answer to your question. A county *may* be split into two separate judicial districts. And from the standpoint of the Tennessee Constitution, any decision to do so would be the sole prerogative of the General Assembly.[3]

In splitting a county into multiple districts, however, it would be prudent for the General Assembly to consider how the application of other Tennessee statutes could be impacted lest collateral litigation throw the local judicial machinery into uncertainty and disarray. Many statutes[4] and rules[5] presuppose that districts comprise one or more entire counties. One concern,

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[3] The Home Rule Amendment in Tenn. Const. art. XI, § 9 does not alter this assessment. The Supreme Court of Tennessee has previously explained that the Home Rule Amendment "was not designed to give to the voters of a county affected the right to veto Acts of the Legislature with State Courts or the salaries to be paid out of the Treasury of the State of Tennessee to the Judges and Chancellors thereof." *State ex rel. Cheeks v. Rollings*, 202 Tenn. 608, 618–19, 308 S.W.2d 393, 397 (1957). And thus, the limitations imposed by the Home Rule Amendment simply "do not apply to the authority of the Legislature over the general state judicial system." *City of Knoxville ex rel. Roach v. Dossett*, 672 S.W.2d 193, 195 (Tenn. 1984).

[4] *See, e.g.*, Tenn. Code Ann. § 16-2-505(d) (addressing facility and security issues and in part mandating that each county shall establish a court security committee composed of, among other officials, the "district attorney general" and "the presiding judge of the judicial district"); Tenn. Code Ann. § 16-2-508(b) ("Except in the judicial districts comprised of the urban counties of Shelby, Davidson, Knox, Hamilton and Sullivan, the district attorney general of each judicial district shall be entitled to at least one (1) assistant district attorney general position for each trial court judge in the judicial district to which the district attorney general is assigned, as well as either one (1) additional assistant district attorney general position if the judicial district is comprised of four (4) or more counties, or two (2) additional assistant district attorney general positions if the judicial district is comprised of more than six (6) counties."); Tenn. Code Ann. § 16-2-510(a) (providing that court shall be held "in each county within the district"); Tenn. Code Ann. § 27-5-108 (providing for appeals from general sessions court to "the circuit court of the county"). In relation to the broader subject matter of the last statute just cited—concerning the flow of cases that begin in general sessions court—it of course may be advisable that the General Assembly consider whether a county that is split to create more than one judicial district should also have a general sessions court established for each district. Under current law, there is, as a general rule, a general sessions court "for each county of the state." Tenn. Code Ann. § 16-15-101(a); *see also* Tenn. Code Ann. § 16-15-503 (noting that "[t]he jurisdiction of general sessions courts, when not otherwise provided, is geographically coextensive with the limits of their respective counties").

[5] For example, grand juries are presently organized by county, and their respective powers extend county-wide. *See* Tenn. R. Crim. P. 6(d) (noting that the powers of the grand jury extend to "all indictable or presentable offenses found to have been committed or to be triable within the county"). But given that grand juries operate "within the aegis of the circuit or criminal court," *State v. Penley*, 67 S.W.3d 828, 831 (Tenn. Crim. App. 2001) (citing Tenn. R. Crim. P. 6(a)), we think there would be operational tension in the maintenance of a county-wide grand jury in a county with more than one judicial district (assuming each district contained its own sub-county court or courts with criminal jurisdiction). In fact, it is not clear to us how those respective elements would reconcile and map onto another. The law, after all, affirms that the circuit or criminal court has "organizational and administrative authority over the grand jury." *Id.* But if there is more than one judicial district in a given county, and a county-wide grand jury, under which

for instance, would relate to Tennessee statutes dealing with venue. Consider Tenn. Code Ann. § 4-5-322. That statute contains various provisions governing where aggrieved parties are to file petitions for judicial review, *see, e.g.*, Tenn. Code Ann. § 4-5-322(b)(1)(B)(ii) (providing that filing may be "in the chancery court of Davidson County" or "in the county in which the petitioner resides"), and it is easy to foresee how open questions could arise if such a statute were not amended to account for the existence of separate judicial districts within a particular county. Should the General Assembly determine that judicial district boundaries should depart from county boundaries, the best approach for a clean transition to such a model would require a more fulsome legislative project to account for the various statutes and rules predicated on the existing arrangement.[6]

In summary, although there are several considerations, constitutional and otherwise, that legislators should be aware of if pursuing this course of action, we are of the opinion that the General Assembly has the authority to split a county into two separate judicial districts.

**2.** Your second question asks whether these separate judicial districts can share the same infrastructure. We think that the answer to this question ultimately depends on what type of use might be implicated by the sharing of infrastructure. We do not, for instance, discern any constitutional prohibition on a jail housing criminal defendants from separate judicial districts.[7] But we do anticipate constitutional complications arising from a design that houses judges from separate districts in a single courthouse or justice complex.

This concern is fueled by the Supreme Court of Tennessee's recent interpretation of Tenn. Const. art. VI, § 4. As noted earlier, that provision mandates that inferior court judges "be elected by the qualified voters of the district or circuit to which they are to be assigned." In *McNabb*, the Supreme Court explained that the "district" of constitutional parlance is the geographic territory *in which* a court has jurisdiction. 710 S.W.3d at 662–63. One plausible reading of this language is that, in being assigned to a district, an elected judge will also exercise jurisdiction from within it. Contrary to such an expectation, the sharing of a courthouse or justice complex by the judges of more than one district probably means that some judges would hold court in territory beyond their own (with a notable exception discussed below).[8] By ostensibly requiring that the court

court's authority would the grand jury rest? Such circumstances appear to necessitate a grand jury for each sub-county judicial district, but the current framework of Tenn. R. Crim. P. 6 does not contemplate such an approach. The language in Tenn. R. Crim. P. 18, which concerns venue, would also likely merit attention.

[6] Securing changes to court rules will of course require engagement with the judiciary. *See, e.g.*, Tenn. Const. art. VI, § 1; Tenn. Code Ann. § 16-3-501.

[7] Existing law even allows for inter-county cooperation regarding the operation of jails, and it is certainly possible that such cooperation might result in a scenario where the criminal defendants from one district's courts are housed with defendants from another district. *See* Tenn. Code Ann. § 41-4-141 (regarding interlocal agreements between counties); *see also* Tenn. Code Ann. § 41-4-121 (providing, among other things, authority for a sheriff to convey a prisoner to another jail in the state when "the jail of the county is insufficient for the safekeeping of a prisoner").

[8] The Tennessee Constitution does not foreclose the General Assembly from authorizing elected judges to exercise jurisdiction outside of their assigned districts. And in the absence of such an absolute restriction, it should be no surprise that the General Assembly has previously enacted legislation authorizing judges to do so. *See* Tenn. Code Ann. § 17-1-203 (providing that judges and chancellors may, "upon interchange and upon other lawful ground,

proceedings pertaining to one district be held in the physical territory of another, such a design would contradict established expectations that judges will, as a baseline practice of office, exercise jurisdiction within the territory corresponding to their electorate.[9] It could also create practical problems; for instance, does a judge elected from the portion of the county that does not house the courthouse need to refer a contempt case arising from a proceeding in front of that judge to a different judge from the other half of the county who has jurisdiction over the courthouse? We do not believe these problems are necessarily insurmountable from a legal perspective, but forethought and careful consideration could avert significant litigation should a General Assembly decide to move in this direction.

In light of the General Assembly's clear authority to delineate judicial districts, and although the crafting of specific details is obviously beyond this Office's purview, there is more than one pathway to implement sub-county districts. The logistical details associated with some redistricting proposals might potentially trigger concern under Tenn. Const. art. X, § 4 as referenced earlier, but other details and plans seemingly would not. For instance, assuming a district line bisects an existing county seat, multiple courthouses could be established in the same municipality, with each district's courts respectively housed in their respective district. Alternatively, there is precedent to support maintaining a courthouse in the county seat and establishing another court elsewhere in the county. *See Ellis*, 92 Tenn. 85, 20 S.W. at 501–03. Creative legislators could even draw the district line through a courthouse, or build a courthouse on the line, so that all the judges were in one courthouse and each had a courtroom in their appropriate district.

In summary, sharing courthouse infrastructure could be complicated but not necessarily unconstitutional, while multiple districts sharing one county jail does not appear to create any constitutional problems at all.

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exercise the duties of office in any other judicial district in the state"); Tenn. Code Ann. § 20-18-101 (ensuring that members of the three-judge panel convened in certain civil actions are drawn from different regions of Tennessee and providing that the panel "shall sit in the supreme court building in the grand division in which the civil action was filed, unless a location is otherwise designated by the supreme court"); *see also State v. Frazier*, 558 S.W.3d 145, 154 (Tenn. 2018) (pointing to the possibility of "obtaining expanded geographical jurisdiction" through "interchange, designation, appointment, or some other lawful means").

[9] We recognize that this Office's prior guidance has signaled that such an infrastructure-sharing arrangement would be constitutionally tolerable. *See* Tenn. Att'y Gen. Op. 96-023 (Feb. 22, 1996) (opining that, "[i]n the case of multi-district counties," all the courts could "hold court at a single location within the county"). But that opinion predates *McNabb*, and we want to highlight the potential precarity of institutionalizing an unusual arrangement.

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