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To the Graduate Council:

I am submitting herewith a thesis written by James Clinton Easton entitled "The General Sessions Courts of Tennessee, Their Civil Jurisdiction, Qualifications for Holding Judicial Office, and Potential for Reform." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in Political Science.

Otis Stephens, Major Professor

We have read this thesis
and recommend its acceptance:

Accepted for the Council:

Vice Chancellor
Graduate Studies and Research

THE GENERAL SESSIONS COURTS OF TENNESSEE, THEIR CIVIL JURISDICTION, QUALIFICATIONS FOR HOLDING JUDICIAL OFFICE, AND POTENTIAL FOR REFORM

A Thesis

Presented for the

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Degree

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ABSTRACT

The purpose of this study was to trace the development of the General Sessions Courts System in Tennessee, review its civil jurisdiction and the qualifications for holding judicial office, denote areas of diversity, and discuss efforts aimed at reform.

The method adopted to research, compile, and interpret this subject-matter emphasized review and analysis of pertinent public and private acts, interviews with State Legislators and others knowledgable in this field, as well as an examination of prior studies focusing on the inferior court system of Tennessee. In addition, observations of the court were made by the author so that this study might reflect a working knowledge of the courts' day-to-day operation.

Upon completion of this investigation, it was discovered that the General Sessions Courts system is characterized by the geographical diversity to be found in its civil jurisdiction and qualifications for holding judicial office. The cause of this lack of uniformity can be attributed to the state legislature's decision to establish Sessions Courts on a county-by-county basis rather than creating a unified system through the enactment of a public law having general application.

The system of General Sessions Courts evolving from this process has produced courts with both limited and broad jurisdictional authority and a bench manned by judges with divergent experience. The diversity which exists in this regard appears to have a direct bearing on the confidence which various courts are able to instill in their constituency.

Although serious reform legislation has been introduced, efforts at reform have induced formitable political opposition from state legislators and members of the judiciary with a vested interest in maintaining the court's present structure. Opponents of reform seem to be quite adept at defeating such legislation despite pressure from concerned citizens and members of the legal profession.

In conclusion, this study brings together the political, structural, and historical reasons for the establishment and continuance of the General Sessions Courts as they exist within Tennessee's system of inferior courts. The ongoing and, thus far, largely unsuccessful efforts to reform this system have been related throughout.

TABLE OF CONTENTS

CHAPTER		PAGE
I.	THE GENERAL SESSIONS COURTS	1
	Introduction	1
	Method of Analysis	2
	Sources	3
	Scope of Thesis	4
	The General Sessions Court in Tennessee--	
	Historical Background	5
	The Justice of the Peace	5
	Plaintiff-oriented justice--specific examples	7
	The advent of General Sessions Courts	9
	An increase in General Sessions Courts	10
	Public legislation	14
	Problem--lack of uniformity	15
	Lack of uniformity--specific examples	16
	Civil jurisdiction over person--specific examples	17
	Civil jurisdiction over property cases (real and personal)	18
	Summary	19
II.	CIVIL JURISDICTION	20
	Introduction	20
	Justice of the Peace Powers	20
	$3,000 Limit in Civil Cases	21

CHAPTER PAGE

$250.00 Limit in Equity Cases 22

Forcible Entry and Detainer Actions 23

Writs of Extraordinary Process 23

Writ of attachment 24

Writ of replevin 25

Writ of injunction 25

Private Acts--Special Powers 26

Divorce 27

Annulment 27

Jurisdiction Over Juvenile Offenders 27

Probate 28

Partition of land cases 29

Workman's compensation 29

Insanity and lunacy 29

Abatement of public nuisance 31

Transfer of County Court Jurisdiction 31

Piece-Meal Additions to Civil Jurisdiction 32

Criminal Statutes--Civil Actions 32

Summary 33

III. SESSIONS COURT JUDGES 34

Introduction 34

State Constitution 34

Public and Private Acts 35

Judicial Selection 36

Specific Qualifications--License to Practice Law 38

CHAPTER PAGE

Restriction on Practice of Law 40

Other Employment 46

Conflict of Interest 46

Courts of Record 49

Internal Operations of the Court 50

Judicial Authority 50

Compensation and Term of Office 52

Court Vacancies 52

IV. REFORM 55

Introduction 55

Advocates for Reform--Legal Scholars 55

Senate Bill No. 1886 58

Redistricting 59

Redefinition of Judicial Qualifications 60

Jurisdictional Reform 61

Age Standards 61

What Went Wrong 63

Sessions Court Reform--A Similar Experience 66

Politics and Salary Increases 67

V. CONCLUSION 72

BIBLIOGRAPHY 76

APPENDICES 79

Appendix A 80

Appendix B 92

VITA 114

LIST OF TABLES

TABLE		PAGE
1.	Establishment of Session Courts by Private Act	11
2.	Restrictions on the Practice of Law	41
3.	Salaries for General Sessions Court Judges	68

CHAPTER I

THE GENERAL SESSIONS COURTS

I. INTRODUCTION

Political science is concerned with the study of systems of government through which men attempt to control and improve their common social, political, and economic situations. Institutions are created to meet this end. The courts form one of the most important institutions within our total governmental structure. It is, therefore, appropriate for the Political Scientist to focus on our legal institutions in order to determine their role in the total political system.

Certainly, it cannot be denied that politics is a key factor in determining the role of the courts in our political system. The very nature of the court system and its jurisdiction is in large part the product of legislative and executive politics characterized by partisan divisions and pressure group activity. Efforts to establish new courts, increase or limit jurisdiction and set qualifications for judicial office-holders all involve legislative acts that are influenced by politics and the bargaining process inherent therein.

In conducting research within the legal system, Political Scientists have confined their attention primarily to the Federal Court system especially the Supreme Court. However, it is at the local state court level where most citizens seek justice. The establishment of an efficient and uniform legal system at this level is paramount if the

faith of the citizenry in a complex political system is to be maintained. Thus, the Political Scientist cannot divorce the legal system from his study of government at the local level but must view the two as forming a viable inter-relationship.

The specific inter-relationship to be studied in this thesis is that of the civil jurisdiction of Tennessee's General Sessions Courts, the qualifications for judicial office, and the political process which has created this aspect of Tennessee's legal system. The Sessions Courts created through this process will be reviewed for jurisdictional uniformity through a compilation of the numerous statutes prescribing their civil jurisdiction. The sharp jurisdictional variances disclosed by this compilation will be the target of suggested reforms.

II. METHOD OF ANALYSIS

This analysis is based primarily on a systematic examination of the private acts which have brought General Sessions Courts to 58 of the 95 counties in Tennessee. An orderly compilation of legal provisions defining civil jurisdiction and the qualifications for judicial office will be presented upon completion of an examination of the statutes establishing the Sessions Courts. This descriptive listing should point out the disparities to be found in the Court's civil jurisdiction and in the courts which concurrently apply the same law. The compilation of the civil jurisdiction will include the following categories:

1. Name of County (alphabetical order)
2. Private Act Creating the Court
3. Section Denoting Civil Jurisdiction

4. Description of Jurisdiction

5. Courts of Concurrent Jurisdiction

6. Qualifications for Judicial Office

III. SOURCES

In addition to the statutory material previously noted, this study has drawn upon: interviews with judges, practicing attorneys, and other persons conversant with the work of the Sessions Courts; direct observation of the work of the Knox County General Sessions Court together with an examination of its civil docket during the period covered by this thesis; and publications on the Tennessee judicial system gleaned from books and legal periodicals.

The questionnaire technique will not be used in this research for two reasons. First, poor responses to questionnaires in previous studies of the Tennessee legal system do not justify the inconvenience stemming from the inevitable delay inherrent in their return. Second, responses to questionnaires are often inhibited by the desire on the part of elected or appointed officials to emphasize the positive aspects of their work while being less than candid in areas which might imply their inability to operate effectively.

Law review articles and publications centering on the history of the Tennessee Court System will be used to describe the background of the General Sessions Courts. However, it should be noted that historical background will be limited to a brief developmental description of General Sessions Courts in Tennessee.

IV. SCOPE OF THESIS

I have attempted to make certain observations clear in this introduction. Political Scientists, for years, have concerned themselves with the relationship of our Federal Court system to social, economic and political justice in the United States. However, until recently, there has been comparatively little research into the area of state legal institutions. Nevertheless, it is in the courhouses at the county and municipal level that most citizens become acquainted with the judicial process. Political Scientists such as James Klonoski and Robert Mendelsohn, The Politics of Local Justice,[1] Kenneth Dolbeare, Trial Courts in Urban Politics,[2] and Richard Sheridan, Urban Justice,[3] among others, have found the state system of local courts to be filled with problems of inefficiency and inconsistency. These authors recognize that significant reform of local courts is badly needed and that such reform is hampered by the inadequacy of detailed research at this level. Tennessee's system of General Sessions Courts and the lack of uniformity therein, provides the political scientist with just such an area of local court justice ripe for research.

As noted earlier, the conclusions to be drawn from my compilation are aimed primarily at possibilities of reform. These possibilities will

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[1]James R. Klonoski and Robert I. Mendelsohn, The Politics of Local Justice (Boston: Little, Brown and Company, 1970).

[2]Kenneth M. Dolbeare, Trial Courts in Urban Politics (New York: John Wiley and Sons, Inc., 1967).

[3]Richard G. Sheridan, Urban Justice (Knoxville: The University of Tennessee Press, 1964).

be analyzed in terms of their feasibility under the Tennessee Constitution. All suggested reforms will be aimed at eliminating confusion and uncertainty which now exists in the civil jurisdiction of the Sessions Courts. The criterion underlying any suggestions for reform will be the desirability to have a system of uniform justice. This standard will be equally applied to reforms which may expand or contract the present civil jurisdiction of Tennessee's system of General Sessions Courts.

Since the jurisdiction of the General Sessions Courts provides a broad range of potential topics for research, the scope of this thesis will focus on the courts civil jurisdiction as opposed to other major responsibilities such as criminal jurisdiction and the issuance of warrants.

Research into the area covered by this thesis topic could result in the bridging of a major information gap concerning the civil jurisdiction of Tennessee's General Sessions Courts.

V. THE GENERAL SESSIONS COURT IN TENNESSEE-- HISTORICAL BACKGROUND

The Justice of the Peace

Prior to the advent of the General Sessions Courts, the Justice of the Peace was the prime dispenser of justice for the citizen with a small claim. The State Legislature found that these courts were necessary due to the fact that an inadequate highway system prevented rural Tennesseans from taking their cases to a court of superior jurisdiction. As a result, the Justice of the Peace became a powerful

figure in the rural areas constituting his jurisdiction. As we will see, this situation allowed one-sided justice to develop.

Unfortunately, substantial safeguards were not provided by the Legislature to prevent a misuse of office by the Justice of the Peace. In fact, the constitution of 1796, which created these courts, worked against the guarantee of a fair and impartial settlement of disputes by the Justice of the Peace. The constitution of 1796 contributed to this condition since it contained no provisions for compensating the Justice of the Peace on a salary basis as well as failing to establish substantial qualifications for holding said office. The stage was thus set for a system of fee-grabbing J. P.'s to flourish. As a consequence of this development, it became commonplace for a J. P. to leave his farm chores to decide claims in which his fee was only guaranteed when the plaintiff's contentions were upheld.

A sample survey of plaintiff-oriented decisions makes this undesirable situation manifest. A survey conducted in 1929 revealed that of 25,000 cases brought before the J. P. Courts in Tennessee that year, 24,633 were resolved in favor of the plaintiff.[4] This statistic means that 98.3 percent of the cases handled by J. P.'s in that year found the plaintiff on the winning side while the defendant only won in 1.7 percent of the cases submitted. A county by county breakdown of this survey revealed further indications of one-sided justice in the J. P. Courts. For example, in Shelby County, 3,525 out of 4,000 suits

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[4]T. L. Howard, "The Justice of the Peace System in Tennessee," Tennessee Law Review, XIII (December, 1934), p. 27.

filed in J. P. Courts were resolved in favor of the plaintiff.[5]

Thus, in 1929 alone, J. P.'s in Tennessee were able to add a combined total of $50,000 to their non-judicial income through a system of plaintiff-oriented justice.[6]

Plaintiff-Oriented Justice--Specific Examples

In order to insure a substantial income J. P.'s would often encourage litigation from the business community. Prospective litigants from the commercial sector only had to review the record of plaintiff-oriented decisions in the Justice of the Peace Courts to know that a civil suit brought in such a court was "good business." Thus, the J. P. Courts were often used by business interests to enforce contractual obligations against the disadvantaged consumer. This fact is supported by a 1933 four-month survey conducted in Knox, Davidson, Hamilton, and Shelby Counties. This survey was initiated for the purpose of determining the civil areas in which plaintiffs from the business community were most likely to find a sympathetic J. P. Court. The first notable area was in the case of detainer suits. Landlords found detainer suits to be a readily obtainable method for evicting tenants whose rental payments were past due. One investigator found this civil action to be a common method for evicting negroes from their rented dwellings in Memphis. Replevin actions were another method for enforcing economic contractual obligations. The business community used the replevin action to regain

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[5]Ibid., p. 24.

[6]Ibid., p. 27.

goods where the purchaser had defaulted in his payments. Often the goods in question were ordered to be returned and all previous payments forfeited. Business interests also found suits for attachment to be an easily attainable method for securing payment on past due accounts. Of course, the disadvantaged party in all of these actions was the consumer. In fact, it became so apparent that the J. P. Courts were business-oriented that many cases were won by the plaintiff through default.[7]

Given the knowledge presented thus far, it becomes clear why the business community consistently sought relief in the J. P. Courts. All was in their favor statistically. It was good business to file a suit in a court where the Justice only received a fee when the plaintiff carried the day.

Hence, prior to the establishment of the General Sessions Court, the J. P. possessed a wide range of civil jurisdiction from which he could extract a fee. However, due to flagrant judicial abuse, this jurisdiction was soon to be greatly reduced. This inevitable jurisdictional reduction was heralded by complaints from the average citizen as well as from the intellectual community. A 1941 Tennessee Law Review article formerly established the widespread dissatisfaction with the Justice of the Peace Courts. This article summed up the contempt many citizens had for the J. P. Courts by stating, "Any court which leaves a man baffled, delayed, disgusted, and distrustful, makes an enemy of the established

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[7] Ibid., pp. 23-24.

established order, and should do so."[8] The stage now seemed to be set for change.

The Advent of General Sessions Courts

By 1937, widespread discontent with the Justice of the Peace Courts was manifest. Citizen and legal scholar alike recognized the inherent weakness of the unsalaried J. P. Dean Wicker of The University of Tennessee College of Law summed up these weaknesses when he concluded, "It is sufficient to say that there are too many Justices of the Peace, they are not learned in the law, and they operate on the fee system; . . . More than 98 percent of all civil judgements are in favor of the plaintiff."[9] This commentary on the Justice of the Peace Courts reflected the need for a new type of inferior court manned by professionally qualified and salaried judges. The State Legislature under Article 6, Section 1 of the state constitution certainly had the authority to establish a new court to remedy the inequitable situation created by the Justice of the Peace Courts.

In 1937 the Legislature did exercise its constitutional perrogative by creating a General Sessions Court in Davidson County. This was accomplished by passing private legislation which made the Act only applicable to Davidson County. This initial act was drafted by A. G. Ewing of the Nashville Bar. After passage and implementation of his bill, Mr. Ewing commented on its significance. "The effect

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[8]Paul M. Bryan and Isadore B. Baer, "General Sessions Courts: Origin and Recent Legislation," Tennessee Law Review, XVI (June, 1941).

[9]Ibid., p. 672.

accomplished by the General Sessions Court has been to have civil cases tried by men learned in the law and who had no interest in the outcome of the litigation, since the judges are salaried officers. This has greatly increased the confidence of litigants in the judgements rendered by this court and against the judgements as formerly rendered by Justices of the Peace."[10] Thus, Tennessee had its first General Sessions Court.

A few months after its passage the constitutionality of this private act was upheld by the Tennessee Supreme Court. The Court expressly affirmed the Legislature's right to divest the Davidson County J. P.'s of their civil and criminal jurisdiction. The Court also declared constitutional the Legislature's reinvestment of this jurisdiction into the hands of the newly created General Sessions Court of Davidson County.[11] The Davidson County act provided other counties a constitutional alternative to the one-sided justice of the J. P. Courts.

An Increase in General Sessions Courts

Since 1937, 58 General Sessions Courts have been established through private acts of the State Legislature. These new General Sessions Courts were created between 1937 and 1959. The following table indicates the year by year increase in the General Sessions Courts since the inception of the 1937 act (Table 1).

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[10] A. G. Ewing, "General Sessions Courts," Tennessee Law Review, XVI (June, 1941), p. 980.

[11] Bryan, op. cit., pp. 673-674.

TABLE 1. Establishment of Session Courts by Private Act.

Year J. P. Court Replaced by Sessions Court	County
1937	Davidson
1938	None
1939	Knox Trousdale Williamson
1940	None
1941	Henderson Lewis Madison Shelby Warren Hamilton Bledsoe
1942	None
1943	Lawrence Giles Carter
1944	None
1945	Marshall Wilson
1946	None
1947	Sullivan Hamblen Rutherford McMinn Maury Campbell Anderson Bedford Blount

TABLE 1. (Continued)

Year J. P. Court Replaced by Sessions Court	County
1948	None
1949	Clay
	Jackson
	Putnum
	DeKalb
	Sumner
1950	None
1951	Lincoln
	Macon
	Scott
	Tipton
1952	None
1953	Montgomery
	White
	Hickman
	Cocke
	Coffee
1954	None
1955	Bradley
	Henry
	Dickson
	Greene
	Hardin
	Hawkins
	Washington
	Weakley
	Obion
1956	None
1957	Claiborne
1958	Robertson

TABLE 1. (Continued)

Year J. P. Court Replaced by Sessions Court	County
1959	Chester
	Gibson
	Crockett
	Rhea
	Roane
	Smith
	Jefferson
	Loudon
Total	58

This table points out how quickly Tennessee counties switched from the J. P. Courts to General Sessions Courts. In fact, it only took 21 years for approximately 60 percent of Tennessee's 95 counties to replace, for all practical purposes, their Justice of the Peace Courts. The rapidity of this judicial reform is made even more significant by the fact that the J. P. Courts had gone unchallenged for 141 years. This statistic becomes more impressive when one is reminded of the slow nature inherent in the process of judicial reform.

Public Legislation

By 1959, it was obvious to the State Legislature that it was only a matter of time before the J. P. Courts would, for all practical purposes, disappear from the State court system. Also clear to the Legislature was the general satisfaction with the justice dispensed by the Sessions courts as witnessed by the rapid growth of Sessions Courts in the State. This being the situation, the State Legislature in 1959 passed Chapter 109 of the State's Public Acts. This Act created Sessions Courts in all of the remaining counties of Tennessee with the exception of six exempted counties. In effect, this action by the State Legislature dealt the final blow to the Justice of the Peace Courts and their one-sided justice.

Thus, through the passage of the 1959 Public Act, the predictable decision making process associated with the J. P. Courts had been rejected in almost every county from East to West Tennessee.

Problem--Lack of Uniformity

Although the 1959 Public Act was welcomed by judicial reformers, it was not without fault.

A major problem which resulted from establishing General Sessions Courts by various private acts and the subsequent 1959 Public Act is one of jurisdictional disparity from one county to another. This is due to the fact that the 1959 Public Act did not supersede any previous private acts creating General Sessions Courts but expressly excepted these courts from the provisions of this new legislation. The 1959 Public Act, Chapter 109 states:

> Section 2. Be it further enacted, That said Court of General Sessions is hereby vested with all of the jurisdiction and shall exercise the authority conferred by law upon justices of the peace in civil and criminal cases, suits and actions. The jurisdiction, power and authority of said Court shall be coestensive with the county. . . . Effective September 1, 1960, justices of the peace in any county where a General Sessions Court is established under the provisions of this Act are hereby divested of all such jurisdiction and authority.[12]

> Section 22. Be it further enacted, that from and after September 1, 1960, all Courts of General Sessions in this State created by Private Act shall have the powers and jurisdiction as may be conferred by the Private Act creating said Court. . . . It is not the intention of this Act to divest any Court of General Sessions of any jurisdiction conferred by the Private Act. Neither shall the Act affect the powers jurisdiction, or provisions governing the operation of any Court of General Sessions created by any Private Act of this or any previous General Assembly, anything in this Act to the contrary notwithstanding.[13]

As a result of these provisions, a basic diversity was created in Tennessee's system of General Sessions Courts. The well established

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[12] Public Acts of Tennessee, 1959, Ch. 109.

[13] Ibid.

concept of uniformity of justice was aborted. The citizen and the jurist alike are left with only confusion and uncertainty in attempting to understand the civil jurisdiction of Tennessee's General Sessions Courts. Oddly enough, in passing this legislation, the General Assembly did intend to establish uniformity among the Sessions Courts in Tennessee. Unfortunately, a comparison of the jurisdiction of Sessions Courts created by Public and Private Acts indicates that the work of the Legislature in 1959 was, in large part, counter-productive.

Lack of Uniformity--Specific Examples

Upon examination of the acts creating Sessions Courts, this lack of uniformity becomes quite apparent. Specific examples can be cited to illustrate the diversity that exists from one Sessions Court to another, observance of this diversity can best be accomplished through a comparison of the civil jurisdiction and the requirements for holding judicial office among the various Session Courts. A glaring example of this lack of uniformity is demonstrated by the fact that approximately 50 percent of the Sessions Courts created by private acts have concurrent jurisdiction with the Chancery and Circuit Courts in certain matters while the remaining 50 percent do not possess such authority. This concurrent jurisdiction ranges from possessing the authority to grant divorces to granting writs of extraordinary process. This jurisdictional diversity as it relates to divorce proceedings is so unique that many of the attorneys interviewed in conjunction with this research did not know that it existed.

This lack of uniformity can also be exemplified by focusing on particular counties. For instance, the Sessions Courts in Hawkins and Hamblen Counties have civil jurisdiction in matters of probate, guardianship, insanity, workman's compensation, as well as the authority to issue extraordinary writs (i.e., injunctions and attachments). In contrast, approximately 50 percent of the Sessions Courts created by private acts do not possess any of this jurisdiction. Further investigation as to the extent of this diversity reveals that approximately 25 percent of all Sessions Courts established by private acts are conferred with the authority to grant divorces. In contrast, the remaining 75 percent of these Sessions Courts do not have similar jurisdiction.

These examples typify the lack of uniformity in the area of civil jurisdiction among Sessions Courts whose power is derived from private acts of the State Legislature. In order to further establish the diversity concerning the civil jurisdiction of Tennessee Session Courts, a list is now presented of the various civil actions which are not to be found uniformly throughout the Sessions Courts established by private acts.

Civil Jurisdiction Over Person--Specific Examples

Abandonment

Divorce

Injunction

Suits and Actions not exceeding $1,000

Annulment

Workman's Compensation

Bastardry

Child Support

Legitimation

Change of Name

Guardianship (Conservatorship)

Alimony

Removal of Minor's Disability

Civil Jurisdiction Over Property Cases (Real and Personal)

Suits and Actions not Exceeding $1,000

Partition of Land

Sale for Partition of Land

Replevin Action

Vendor's Liens

Attachment

Decendents Estate Probate

Condemnations

Injunction

Foreclosures of Mortgages

Abatement of Public Nuisance

To obtain a proper perspective on the significance of this list, one must keep in mind that over 50 percent of the total Sessions Courts created by private acts still retain only the limited jurisdiction of the J. P. Courts they replaced.

In conclusion, it is obvious that there is a definite lack of uniformity in the civil jurisdiction among the Sessions Courts of Tennessee which attribute their origin to private legislation.

VI. SUMMARY

This chapter has served two purposes. First, it traced the development of the General Sessions Courts in Tennessee. Secondly, this chapter has outlined some of the areas in which the Sessions Courts lack uniformity. The next chapter will explore those aspects of the court's civil jurisdiction which constitute the day-to-day litigation brought before the General Sessions Courts of Tennessee.

CHAPTER II

CIVIL JURISDICTION

I. INTRODUCTION

Chapter II presents a description of the civil jurisdiction to be found in the various Sessions Courts of Tennessee. The description of this jurisdiction is drawn directly from pertinent public and private acts. While this narrative will not be highly technical in nature, care will be exercised to present this material in an accurate legal context. Examples will be included to acquaint the reader with the practical application of the jurisdiction described.

II. JUSTICE OF THE PEACE POWERS

The major jurisdictional powers of the J. P. Courts have been reassigned to the General Sessions Courts throughout Tennessee.[1] While this is one area where uniformity exists it should be noted that this transfer of power was accomplished for the primary purpose of eliminating fee-grabbing J. P. Courts and not necessarily promoted in order to create jurisdictional uniformity among the various Sessions Courts.

The specific civil jurisdiction conveyed to the Sessions Courts from the J. P. Courts is as follows:

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[1]Tennessee Code Annotated, 16-1104.

$3,000 in all civil cases except.

a. Unlimited jurisdiction in cases of forcible entry and detainer.

b. In equity cases the courts shall have jurisdiction in all cases where the subject matter does not exceed $250.00.[2]

III. $3,000 LIMIT IN CIVIL CASES

The state legislature, over a period of years, has increased the monetary limit for Sessions Courts in civil cases to the present $3,000 figure. The only exceptions to this limit are in equity and forcible entry and detainer cases. Within this $3,000 limitation, litigants are able to file a wide assortment of civil actions.

A review of the civil dockets of the various Sessions Courts reveals the cases that fall within this $3,000 limitation with the greatest frequency. These cases involve unsettled accounts, breach of contract, breach of warranty, promissory notes, suits for damages as the result of automobile accidents, actions for recovery of property, general negligence, forcible entry and detainer cases, equity actions and enforcement of mechanic's liens. Although these actions are not the only litigation which comes before the Sessions Courts, they are representative of the day-to-day controversies which these courts are called upon to resolve.

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[2]William W. Hall, The General Sessions Courts (Charlottesville, Va.: The Michie Company, 1972), pp. 10-17.

IV. $250.00 LIMIT IN EQUITY CASES

Sessions Courts may only decide equity cases where the claims involved do not exceed $250.00.[3] However, for years the court's equity jurisdiction was limited to $50.00. Historically, this limit was established in the 1800's when the dollar was worth considerably more than it is today. However, as time passed, very few property and commercial transactions fell within the equity limitations of the General Sessions Court. Thus, with critics arguing that the equity limit be raised so that such cases could be settled at the lowest court possible, the state legislature increased this limit to $250.00.[4]

Equity actions commonly ask the court to grant a specific remedy for a civil wrong, such a remedy generally takes the form of a court order requiring one party to perform or refrain from performing certain acts. Equity suits are usually filed when money damages alone will not bring adequate relief to the complaining party. An unfulfilled contract for the sale of land provides an example of a case ripe for settlement through an equity suit. Upon the submission of proper evidence, the purchaser of a parcel of land may force the seller to convey the property in question. Money damages alone would not adequately settle such a case since it is generally agreed that no two pieces of land are the same.

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[3] Ibid., p. 31.

[4] Ibid., p. 11.

V. FORCIBLE ENTRY AND DETAINER ACTIONS

General Sessions Courts have unlimited original jurisdiction over cases involving the state's forcible entry and detainer statues.[5] This action is usually brought when "one who originally in rightful possesssion of realty refuses to surrender it at termination of his possessory right."[6] A forcible entry and detainer suit restores the use of the property to its rightful owner.

Generally, forcible entry and detainer suits are brought in Sessions Court by landlords seeking the removal of tenants whose rental payments are past due. Such an action removes the defaulting occupants from the rental property and permits the landlord to negotiate a new lease with prospective clients.

VI. WRITS OF EXTRAORDINARY PROCESS

Sessions courts have been granted the express authority to issue writs of extraordinary process.[7] This authority was not inherited from the J. P. Courts since these courts were not specifically given such powers. The use of extraordinary writs varies from county to county. Some Sessions Courts issue these writs with a high degree of frequency while others, upon examination, were not even aware that they possessed this authority. The writs of Attachment, replevin, and injunction are the three most frequently mentioned by name in the acts which grant

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[5] Ibid.

[6] Blacks Law Dictionary, 4th Edition (St. Paul, Minn.: West Publishing Co., 1957), p. 774.

[7] Tennessee Code Annotated, 16-1104.

various Sessions Courts the authority to issue fiats for extraordinary writs.

Writ of Attachment

This writ is a multi-purpose legal instrument which has as great a value to the court as it does to a plaintiff seeking its issuance. Writs of attachment are especially helpful to a Sessions Court when it is attempting to bring a person or property within its jurisdiction. Usually a defendant is encouraged to appear in court which has gained control of his or her property through a writ of attachment. This is due to the fact that under appropriate circumstances failure to appear on the part of the defendant may lead to the sale of the attached property through a default judgement awarded to the plaintiff. The defendant's property in such a case would be auctioned off with a portion or all of the proceeds being appropriated by the court to satisfy the awarded judgement.

The business community often seeks the writ of attachment in order to gain payment for past due debts. A store owner may regain property by means of this writ when it is clear that the purchaser cannot or refuses to make payment. Money-lenders may also secure payment from delinquent accounts through the attachment and sale of a debtor's property. Clearly, this writ allows the businessman to operate in the market place with a reasonable amount of assurance that he will receive payment for the goods he has sold.

The writ of attachment is a flexible legal instrument which provides the Sessions Courts with an effective tool for carrying out its judgements and orders.

Writ of Replevin

Classically, the writ of replevin is sought in Sessions Court in order to retrieve property being wrongfully withheld from its legitimate owner. For example, such an action may well be brought in Sessions Court to recover a stolen automobile. Here, the rightful owner of a motor vehicle may recover his property from someone who has purchased such an automobile with the understanding that the seller had a legal right to make such a sale. Although the purchaser obtained the vehicle in good faith, the replevin action will restore the stolen property to its rightful owner.

Still another example of this civil action involves the recovery of mortgaged property which the mortgagee has wrongfully transferred. In this instance, if the mortgagee violates the mortgage agreement by selling the property used as collateral, the mortgager has the option to bring a replevin action and recover the property in which he has an interest.

Finally, individuals have the option to use a replevin action to recover property being held by a municipality as evidence in a criminal trial. This action occurs quite frequently in the Sessions Court.

Writ of Injunction

The authority to grant fiats for the writ of injunction has been expressly conferred upon the Sessions Courts through passage of the 1959 Public Act.[8] This power is held concurrently with the Circuit and

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[8]Public Acts, 1959, Chapter 109, Sec. 2, p. 352.

Chancery Courts. Upon investigation, the writer discovered that this authority is rarely exercised by Sessions Court Judges. In fact, some judges were not aware that they possessed this jurisdiction.

The injunction power, when used, is mainly directed at cases involving divorce actions. This is especially true in Bledsoe[9] and Cocke[10] Counties. For example, in order to insure the payment of alimony the court could enjoin the defendant in a divorce proceeding from dissolving his bank account. An injunction could also be issued to limit contact between the two parties involved in a divorce suit.

As a matter of general practice, most attorneys would initially seek the writ of injunction from a Circuit or Chancery Court. When a Circuit or Chancery Court Judge is not available and there is a need for urgency of action an attorney may then decide to seek this writ from a Sessions' Court Judge.

VII. PRIVATE ACTS--SPECIAL POWERS

Special powers have been invested in certain Sessions Courts which are not commonly associated with courts at this level. These special civil powers include jurisdiction over cases involving divorce, probate, and workman's compensation, among others. Such powers have been granted to Sessions Courts through the passage of private acts.

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[9]Private Acts, 1943, Chapter 129, Sec. 2.

[10]Private Acts, 1965, Chapter 268, Sec. 1.

Divorce

Fifteen Sessions Courts throughout the state possess the authority to decide divorce cases.[11] This jurisdiction is held concurrently with the Circuit and Chancery Courts. Included in this jurisdiction is the authority to set the amount of alimony to be paid and decide any child custody questions which might arise. During such proceedings Sessions Courts are held to be courts of record.

Upon review, some critics have doubted the wisdom of placing the often complex matters of divorce in the hands of an inferior court judge.

Annulment

A small number of Sessions Courts have been granted the authority to decide cases involving suits for annulment. The Loudon County Sessions Court[12] provides one example of a court with this power. Such courts are held to be courts of record during annulment proceedings.

Jurisdiction Over Juvenile Offenders

Private acts have permitted some Sessions Courts, such as those in Blount[13] and Loudon Counties,[14] to dispose of cases involving juveniles. As of 1971 this jurisdiction affects those persons under the age of 18.

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[11] See the Appendices.

[12] Private Acts, 1963, Chapter 284, Sec. 1.

[13] Private Acts, 1965, Chapter 202, Sec. 2.

[14] Private Acts, 1965, Chapter 225, Sec. 2.

Sessions Court Judges handling juvenile offender cases have been granted wide discretion when deciding how to dispose of these matters. This discretion is especially broad in the sentencing phase of such a case. For example, juvenile cases may be disposed of by placing the guilty party on probation, or allowing him the option of joining the U. S. Army. Where the crime is serious in nature, the judge may refer the case to Criminal Court.

Sessions Courts in some counties also decide civil matters where the principal is a juvenile. These courts have the authority to declare a child abandoned if the parents cannot be located for four months, appoint guardians and determine custody rights. In the area of mental illness a Sessions Court Judge may assign a mentally ill juvenile to a state institution. Also included in the Sessions Courts' authority over juveniles is the power to grant them the right to marry or join the U. S. Armed Forces.

This, in effect, represents the main functions of the Sessions Courts when dealing with juveniles.

Probate

General Sessions Courts in four counties have the authority to resolve disputes involving probate. In some instances this jurisdiction was transferred from the County Court. These cases classically involve determining the validity of a will and its contents.

Partition of Land Cases

The power to settle property disputes involving the partition of land has been granted to the Bradley County Sessions Court.[15] This jurisdiction is held concurrently with the Circuit and Chancery Courts. In most instances, this jurisdiction is applied to cases where joint owners of property are seeking to divide the land among themselves. Generally, this type of case originates in the Circuit or Chancery Courts of Tennessee.

Workman's Compensation

The only Sessions Courts specifically named to handle workman's compensation cases are located in Jefferson,[16] Hawkins,[17] Hamblen,[18] Loudon[19] and Rutherford Counties.[20] The majority of these cases concern workers attempting to recover compensatory damages for injuries suffered on the job.

Insanity and Lunacy

Sessions Courts in Blount,[21] Hamblen,[22] Hawkins[23] and Jefferson Counties[24] have been given express jurisdiction over cases involving

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[15]Private Acts, 1955, Chapter 17, Sec. 3.

[16]Private Acts, 1959, Chapter 460, Sec. 2.

[17]Private Acts, 1955, Chapter 286, Sec. 3.

[18]Private Acts, 1947, Chapter 235, Sec. 3.

[19]Private Acts, 1965, Chapter 225, Sec. 1.

[20]Private Acts, 1963, Chapter 114, Sec. 1.

[21]Private Acts, 1965, Chapter 202, Sec. 2.

[22]Private Acts, 1947, Chapter 235, Sec. 3.

[23]Private Acts, 1955, Chapter 286, Sec. 3.

[24]Private Acts, 1959, Chapter 68, Sec. 2.

persons of unsound mind. This jurisdiction is held concurrently with the County and Chancery Courts. Sessions Court Judges with this authority may declare someone insane and commit him to a state institution. In such cases the judge is authorized to appoint a legal guardian for the insane party as well as designate an administrator for the committed person's estate. Such cases appear in Sessions Courts with some regularity.

Whether or not Sessions Courts properly possess this authority is the subject of some debate. Historically, J. P. Courts had authority over persons of unsound mind at the time when a large portion of their jurisdiction was transferred to the Sessions Courts. In 1965, the Mental Health Act[25] removed this jurisdiction from the J. P. Courts. It is at this point where the controversy exists as to how this act affected the Sessions Court. Some judges argue that this act only affects J. P. Courts since Sessions Courts were not specifically mentioned in its contents. A conflicting school of thought believes that the act's intent was to include all those courts which possess the authority of the J. P. Courts. As of this date, there exists an insufficient amount of case law to provide a clear ruling on this subject. The only Sessions Courts which seem to properly possess this authority are those which are specifically given this jurisdiction through private acts.

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[25]Tennessee Code Annotated, 33-301.

Abatement of Public Nuisance

Sessions Courts in Roane and Anderson Counties have been given the express authority to enforce the state's public nuisance statutes. The specific statutes involved here are found in Tennessee Code Annotated, Sections 23-301 to 23-316. These provisions are directed at eliminating houses of prostitution, illegal sale of liquor, and the closing down of gambling operations.

The court's abatement powers include the authority to padlock houses being used for purposes of prostitution, the right to confiscate gambling equipment and close establishments which sell liquor to minors.

While other illegal activities fall within the state's public nuisance statutes those mentioned are the violations which are commonly handled by the sessions courts.

VIII. TRANSFER OF COUNTY COURT JURISDICTION

Certain Sessions Courts have been invested with powers formerly held by the County Court. In such instances the jurisdiction transferred from the County Court is frequently quite comprehensive. The following list is a compilation of this jurisdiction and is offered in order to provide the reader some insight as to the various cases that appear in those Sessions Courts affected by this transfer of power.

Abandonment

Bastardry

Change of Name

Condemnation

Conservatorship

Decedent's Estates

Legitimation

Guardianship

Mortgage Foreclosures

Vendor's Liens[26]

IX. PIECE-MEAL ADDITIONS TO CIVIL JURISDICTION

Since 1937, the civil jurisdiction of various Sessions Courts has been increased through the passage of private acts. The majority of these acts have expanded the authority of the courts affected to include jurisdiction over divorce cases as well as the power to issue fiats for writs of extraordinary process. In Sessions Courts where divorce jurisdiction was added, such courts were also made courts of record.

Generally speaking, whenever jurisdiction has been expanded, an upgrading of judicial qualifications has also taken place.

A complete compilation of these private acts can be found in Appendix A.

X. CRIMINAL STATUTES--CIVIL ACTIONS

Michael Ellis, in a brief 1969 Tennessee Law Review article, compiled the criminal jurisdiction of the State's General Session Courts.[27] As a result, this thesis has concentrated on a heretofore virgin area

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[26]Private Acts, 1965, Chapter 202, Sec. 2.

[27]Michael E. Ellis, "The Jurisdiction of General Sessions Courts in Tennessee to Try and Determine Criminal Cases," Tennessee Law Review, XXXVI (Spring, 1969).

of research, the civil jurisdiction of the General Sessions Courts. However, there are certain civil actions which are attached to the criminal process. These actions deal primarily with suits for damages resulting from false arrest and imprisonment and cases involving assault and battery.

Traditionally, false arrest and imprisonment suits seek damages where the defendant was wrongfully charged with shoplifting or other misdemeanors relating to theft. However, when officers of the law inappropriately invoke the statutes or ordinances of the state and its various municipalities, individuals adversely affected may seek damages within the jurisdictional limits of the Sessions Court.

Civil actions involving assault and battery cases seek damages for injuries suffered as the result of criminal attacks. Awards in such cases may be based on pain and suffering as well as actual bodily harm.

XI. SUMMARY

Chapter II has described the civil jurisdiction of the various General Sessions Courts in Tennessee. While these courts have original jurisdiction in some cases, much of their authority is held concurrently with other courts in Tennessee. A detailed account of this jurisdiction is provided in Appendix A. This Appendix makes available for the first time a complete compilation of the civil jurisdiction possessed by the Sessions Courts in their respective counties throughout the state.

CHAPTER III

SESSIONS COURT JUDGES

I. INTRODUCTION

The diversity which characterizes the General Sessions Courts is not limited to jurisdictional matters alone. This characteristic is also evident in the qualifications of those individuals elected to serve on the bench.

Chapter III will discuss the various qualifications required of General Sessions Court Judges as derived from three primary sources: State Constitution, 1959 Public Act, and the numerous private acts enacted since 1937.

II. STATE CONSTITUTION

The State Constitution provides only minimum requirements for holding judicial office in any of the State's inferior courts such as General Sessions Courts. Those requirements are:

a. Shall be elected by the qualified voters of the district or circuit to which the Judge is assigned.

b. Shall be 30 years of age before his election.

c. Must be a resident of the State for five years and of the circuit or district for one year.[1]

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[1] Tennessee Constitution, Article 6, Sec. 4.

The State Constitution does not require Sessions Court Judges to possess any legal background or be a licensed attorney.

With age, citizenship and residency being the only constitutional tests for holding the Office of Sessions Court Judge, it becomes obvious that "the principal qualification for holding a Sessions Court Judgeship is the ability to get elected."[2]

III. PUBLIC AND PRIVATE ACTS

Since 1937, the State Legislature has established separate qualifications for Sessions Court Judges in each of the 58 counties where such courts were created by private acts. The state-wide diversity in judicial qualifications instituted by this approach becomes apparent after a review of Appendix B.

In 1959, the State Legislature in its first major legislative review of the General Session Courts, failed to take any action which would bring uniformity to the diverse qualifications established for Sessions Court Judges during the previous 22 years. In fact, the 1959 Public Act affecting General Sessions Courts further solidified the county by county approach for determining judicial qualifications by stating in Section 22 that "neither shall this Act affect the powers, jurisdiction, or provisions governing the operation of any court of General Sessions created by any private act of this or any previous General Assembly."[3] In addition, the 1959 Public Act further compounded

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[2]Interview with Mayor Kyle C. Testerman, October 12, 1974.

[3]Public Acts, 1959, Chapter 109, Sec. 22, pp. 365-66.

its oversight in this regard by taking no action which would insure a highly professional judiciary within the Sessions Courts created by this new legislation. A review of Section 9 of the 1959 Public Act makes clear that once again only limited qualifications would be required of Sessions Court Judges. Section 9 states that judges holding office in courts created by this act meet "the same qualifications and terms of office as provided by the constitution of the State of Tennessee for inferior courts."[4] As we have seen, this constitutional provision does not require a Sessions Court Judge to be a licensed attorney.

Thus, the state constitution and the State Legislature, speaking through its public and private acts, have set no uniform standards for holding the Office of General Sessions Court Judge.

IV. JUDICIAL SELECTION

The Tennessee State Constitution coupled with TCA Section 16-1106 clearly establishes the right of the people to select its General Sessions Court Judges by popular vote. Should a vacancy occur, TCA, Section 16-1116 permits the Governor to appoint a successor until the next regular election. Although this is normal procedure for the selection and replacement of General Sessions Court Judges, there are exceptions.

The exceptions to the normal constitutional and statutory process for the selection of General Sessions Court Judges relates to those General Sessions Courts created by private act. In this instance,

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[4] Ibid., Sec 9, p. 358.

judicial officers were selected through various methods.

Perhaps the most common exception to the normal elective process was the designation of individuals as General Sessions Court Judges. For example, private acts named C. C. Gear Sessions Court Judge in White County;[5] Thomas A. Sexton, Sessions Court Judge in Wilson County,[6] J. D. Murphree, Sessions Court Judge in Bedford County,[7] R. R. Fredeking, Sessions Court Judge in DeKalb County,[8] and R. B. Schoolfield, Sessions Court Judge in Bledsoe County.[9] Given the trend of the voting public to reaffirm appointed judicial officers at the polls, this process of nomination by private act seems to have been a successful attempt at circumventing the constitutional and statuatory provisions established for the selection of judicial officers.

Other than the specific designation of Sessions Court Judges, the main non-elective process for the selection of General Sessions Court Judges appears to be appointment by the Governor.[10] For example, Section 13 of the 1955 Private Act creating a Sessions Court in Weakley County specifically calls for the Governor to appoint the Court's first Sessions Court Judge. Although this procedure is not widespread, it does indicate a basic deviation from the normal judicial selection process.

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[5]Private Acts, 1953, Chapter 35, Sec 17, p. 120.

[6]Private Acts, 1945, Chapter 34, Sec 9, p. 124.

[7]Private Acts, 1947, Chapter 41, Sec 14, p. 121.

[8]Private Acts, 1949, Chapter 727, Sec 12, p. 2229.

[9]Private Acts, 1941, Chapter 363, Sec 9, p. 1229.

[10]Tennessee Code Annotated, 16-1115.

V. SPECIFIC QUALIFICATIONS--LICENSE TO PRACTICE LAW

We have seen that there is a basic lack of uniformity in the qualifications and methods for the selection of General Sessions Court Judges throughout the state. This lack of uniformity also extends to various specific qualifications commonly associated with election or selection to the bench.

A prime example of this diversity can be seen in those counties which require and those counties which do not require a Sessions Court Judge to be a licensed attorney.

Of the approximately 110 Sessions Court Judges, less than 50 percent are required by law to be licensed attorneys. Those judgeships which require a law degree are generally in counties where the Sessions Court was established through private act.

Without belaboring the point, a few illustrations quickly point to the diversity and ambiguity which exists from county to county concerning the legal background required of General Sessions Court Judges.

For example, some private acts require perspective judges to be "learned in the law." This ambiguous requirement is neither explained nor further identified. Such is the case in Carter,[11] Jackson,[12] and Maury[13] Counties.

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[11]Private Acts, 1943, Chapter 332, Sec 9.

[12]Private Acts, 1949, Chapter 460, Sec 10.

[13]Private Acts, 1947, Chapter 254, Sec 13.

In contrast, other private acts require very specific qualifications of its Sessions Court Judges. For example, the Sessions Court Judge of Warren County must be a licensed attorney, admitted to practice in a court of record, with five years of experience in the practice of law before his election.[14] Similar requirements are found in Blount County where the Sessions Court Judge must be a licensed attorney, admitted to practice before the Tennessee Supreme Court, and generally possess the same qualifications as a Circuit Court Judge.[15]

The requirements for holding judicial office in Putnam County present an interesting paradox. In this county, we actually see a lessening of requirements for possessing judicial office. The original 1949 Private Act for Putman County stated the requirement for Sessions Court Judges to be a person who is a licensed attorney, a graduate of law school with an L.L.B., and fifteen years or more of experience in the practice of law.[16] Oddly enough, in the same year this act was amended removing the requirement that the Sessions Court Judge be a licensed attorney. The amendment further stated that the judges of Sessions Court need not have been admitted to practice before the Tennessee Supreme Court.[17] Further compounding this dramatic reduction in judicial qualifications is the fact that the civil jurisdiction of this court was not reduced.

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[14]Pirvate Acts, 1949, Chapter 54, Sec 1.

[15]Private Acts, 1947, Chapter 345, Sec 8.

[16]Private Acts, 1949, Chapter 868, Sec 11.

[17]Private Acts, 1949, Chapter 451, Sec 2.

The foregoing examples have provided a sample of the lack of uniformity to be found in the State's Sessions Courts with regard to the amount of legal training established as a prerequisite for holding a Sessions Court Judgeship. A review of Appendix B provides a county-by-county breakdown of this inconsistency.

VI. RESTRICTION ON PRACTICE OF LAW

The right of a Sessions Court Judge to maintain outside employment above and beyond his judicial duties varies from county to county. The public and private acts affecting extra-judicial activities deal mainly with the right of Sessions Court Judges to practice law. Statistics concerning this restriction can best illustrate the lack of uniformity in this area.

In reviewing the private acts which established Sessions Court Judges, we find that one-third of these judges may practice law in some form or fashion, one-third may not practice law, while the right of the remaining one-third is somewhat unclear.

An abbreviated list of those counties which do or do not permit their Sessions Court Judges to practice law is of assistance in pointing out the diversity in this area (see Table 2).

In contrast, the 1959 Public Act made use of a population classification system for determining whether or not a Sessions Court Judge may practice law in addition to his judicial responsibilities. This eight-tier classification system broke down as follows:

a. Counties having a population of 100,000 or more, shall constitute counties of the first class;

TABLE 2. Restrictions on the Practice of Law.

County	May Not Practice Law	May Practice Law to Some Degree
Dickson[a]	X	
Davidson[b]	X	
Hamilton[c]	X	
Hawkins[d]	X	
Rhea[e]	X	May not practice law in any court in the State except: a. Judge is permitted to draw deeds and wills, and draw other such instruments, abstract titles, and do other such practice work but shall not do any adjusting of claims or any other such work where the matter is likely to result in court action.
Henderson[f]		May practice law in Chancery and Circuit Courts of Tennessee
Clay[g]		May practice law except: a. may not give advice or render any legal services in connection with any matter coming within the jurisdiction of his court. b. may practice law in other courts if it does not interfere with his position.
Loudon[h]		May practice law in Chancery, Circuit, County and Appelate Courts except:

TABLE 2. (Continued)

County	May Not Practice Law	May Practice Law to Some Degree
Loudon (continued)		a. in cases originating in Loudon Sessions Court or in cases in which the facts relied on by a party were presented in a trial or proceeding held in said court. b. said Judge shall not be a partner to any lawyer practicing in said court nor a member of a firm of practicing attorneys.
Wilson[i]		May not accept employment as an attorney or consult in any case or lawsuit originating in his court or any lawsuit originating in Wilson County of which said Court of General Sessions is given jurisdiction to try by this act or any other. Said judge may accept employment in all cases which do not originate where a Sessions Court has jurisdiction. This refers to his court.

[a]Tennessee Private Acts, 1949, Ch. 868, Sec 9.

[b]Tennessee Private Acts, 1955, Ch. 412, Sec 10.

[c]Tennessee Private Acts, 1937, Ch. 12, Sec 12.

[d]Tennessee Private Acts, 1941, Ch. 6, Sec 18.

[e]Tennessee Private Acts, 1959, Ch. 347, Sec 12.

[f]Tennessee Private Acts, 1959, Ch. 346, Sec 14.

[g]Tennessee Private Acts, 1941, Ch. 393, Sec 10.

[h]Tennessee Private Acts, 1949, Ch. 285, Sec 18.

[i]Tennessee Private Acts, 1945, Ch. 34, Sec 7.

b. Counties having a population of 50,000 or more, but less than 100,000, shall constitute counties of the second class;

c. Counties having a population of 40,000 or more, but less than 50,000, shall constitute counties of the third class;

d. Counties having a population of 30,000 or more, but less than 40,000, shall constitute counties of the fourth class;

e. Counties having a population of 20,000 or more but less than 30,000, shall constitute counties of the fifth class;

f. Counties having a population of 15,000 or more, but less than 20,000 shall constitute counties of the sixth class;

g. Counties having a population of 10,000 or more, but less than 15,000 shall constitute counties of the seventh class; and

h. Counties having a population of less than 10,000 shall constitute counties of the eighth class.[18]

After establishing this classification system, the State Legislature restricted Sessions Court Judges in the first four population classes from practicing law.[19] In addition, those judges whose court fell within the first four classes were also strictly prohibited from holding any outside employment whatsoever. Any judge who fails to uphold these standards is penalized by having his salary withheld.[20]

The 1959 Public Law makes exceptions to this restriction on the practice of law for judges in population classes six through eight. The law states in this regard that:

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[18]Public Acts, 1959, Chapter 109, Sec 11, p. 359.

[19]Ibid., Sec. 12, p. 361.

[20]Tennessee Code Annotated, 16-1113.

> Counties of the sixth, seventh and eighth classes, the judge of the General Sessions Court shall devote such timt to the duties of said office as such duties may require, and, if a lawyer, shall be authorized to engage in private law practice during his tenure of office, but shall not practice law in the General Sessions Court and shall not represent any party in any proceeding in the circuit, criminal or appellate courts which originated in the General Sessions Court, except in cases waived to the grand jury at the preliminary hearing. Counties of the fifth class are governed by the provisions of the preceding sentence relating to counties of the sixth, seventh and eighth classes, except that counties having a population according to the 1960 or any subsequent federal census of not less than 22,250, not more than 22,300, or not less than 23,800, nor more than 23,850, or not less than 24,500, nor more than 24,600, or 24,600 or not less than 25,500, or not less than 26,900 nor more than 27,000, or not less than 17,600, nor more than 27,700, or not less than 28,000 nor more than 28,100, and Cumberland County if and at such time as its population may reach or exceed 20,000 shall be governed by the first sentence of this section relating to counties of the first, second, third and fourth classes.[21]

Obviously, this exception was included in order to maintain a Sessions Court in those counties where both population density and salary standards would not support a full-time judge. Although this diversity could be overcome by state-wide redistricting, it does afford smaller counties the opportunity to have their Sessions Court operated by an individual licensed to practice law.

While the 1959 Public Act attempted to establish reasonable standards for determining the right of Sessions Court Judges to practice law, the act, as we have seen in the area of the courts civil jurisdiction, forecloses the possibility of state-wide uniformity in this regard by excluding from its provisions those courts established by private acts. Tennessee Code Annotated, 16-1113 states:

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[21]Public Acts, 1959, Chapter 109, Sec 12, pp. 361-62.

> This chapter shall not prohibit the judge of any general sessions court created by private act, from exercising the privileges given by the respective private act, including the practice of law (Acts 1959, ch. 109, Sections 11, 12; 1965, ch. 101, Section 1; 1974 (Adj, S.), ch. 808, Section 2).

The inconsistencies which this clause of exception has created are illustrated by a comparison of the 1959 Public Act and various private acts. For example, applying the population standards of the 1959 Public Act, Sessions Court Judges in Bradley, Campbell, Murray, and Williamson Counties would be prohibited from practicing law. However, since these courts were created by private acts and thus exempt from the provisions of the 1959 Public Act, the respective Sessions Court Judges in these counties are by specific reference in the enabling private legislation, permitted to practice law.

Further evidence of this diversity can be seen in Dixon, Macon, Rhea and Smith Counties. In these counties private acts prevent Sessions Court Judges from practicing law. However, these judges would be allowed to practice law if the 1959 Public Act was applied uniformly within the state, since each of these counties had a population base of under 20,000 in 1959.

Thus, the State Legislature, as it has in other legislation dealing with the Sessions Courts, once again resisted overturning the diversity created by private acts. The political rather than professional judgements which underline this approach are made clear to the reader in the last chapter of this thesis.

VII. OTHER EMPLOYMENT

As we have seen in the case of a Sessions Court Judge's right to practice law, the Sessions Courts, in many instances, are not manned by a full-time judiciary. A brief review of this subject, led to the discovery that Sessions Court Judges were maintaining outside employment in job classifications ranging from farmer and grocery store owner to operating a barber shop in one instance. In Macon and Sumner Counties, it was discovered that Sessions Court Judges maintained judicial employment in addition to their Sessions Court duties. The Sessions Court Judge in Macon County performed the functions of the City Court Judge in LaFayette, Tennessee,[22] while his counterpart in Sumner County held the position of City Court Judge in Gallatin, Tennessee.[23]

Thus, while private acts laid the foundation for a part-time Sessions Court judiciary, the 1959 Public Act further compounded this extra judicial employment standard, by allowing over 60 percent of the Sessions Court Judges operating under this legislation, to practice law or hold other outside employment.

VIII. CONFLICT OF INTEREST

The State Legislature, by permitting Sessions Court Judges to practice law and hold other outside employment, has created an environment for placing the affected judges in situations which may be best

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[22]Private Acts, 1951, Chapter 555, Sec 9.

[23]Private Acts, 1949, Chapter 481.

described as involving a potential conflict of interest. Sessions Court Judges who maintain an active interest in a law firm are especially susceptible to such allegations. For example, although a Sessions Court Judge who is engaging in the practice of law may be prohibited from doing so in the Sessions Courts, there is nothing to prevent his law partners from doing so. In fact, the law partner of a Sessions Court Judge may well find it convenient to handle cases in the same county where his colleague maintains a position on the bench. While such a situation would not find an attorney trying a case before his partner in law, the possibility still exists for an attorney who finds himself in this position to exercise undue influence over other Sessions Court Judges presiding within the same jurisdiction as his law partner. With the day-to-day professional and social exchange between the judiciary and legal profession being a fact of life, those individuals practicing law with a Sessions Court Judge certainly have a unique opportunity to develop special relationships which might affect the outcome of a judicial proceeding.

Further investigation of this subject indicates that such potential conflicts are not always so obvious. A few examples are notable here. First, one cannot deny the distinct advantage which the law partner of a Sessions Court Judge possesses in developing strategy for an upcoming appearance in Sessions Court.

Although the rules of impartiality prevent a courtroom relationship from existing between an attorney and his law partner on the bench, such an attorney does have an unfair advantage by drawing on the knowledge gained by his law partner's years of experience as a Sessions

Court Judge. While most judges would refrain from providing assistance in such instances, the realities of life oftentimes conflict with sound professional and ethical behavior.

In some instances, steps have been taken to avoid such potential conflict. In Campbell, Loudon and Bradley Counties, the State Legislature has enacted specific prohibitions which bar a law firm with which a Sessions Court Judge is associated from handling cases in Sessions Courts. Such a prohibition may be prudent for all Sessions Courts to adopt.

Finally, those Sessions Court Judges who maintain an active role in the business community may also be party to such conflicts. Certainly those individuals who happen to be business clients of Sessions Court Judges are in a better position to receive favorable consideration in Sessions Courts than those who have no such outside relationship. While documentation of the affect of such relationships on the outcome of courtroom proceedings may be difficult to substantiate, nevertheless, the subtitles of this situation do raise questions concerning the integrity of the court.

Although it is not my intention to lodge charges of "influence peddling" in the Sessions Courts, it is clear that such a possibility should be eliminated in order to insure that each and every citizen has equal standing before the court.

IX. COURTS OF RECORD

In most instances, General Sessions Courts have not been held to be courts of record.[24] The primary exception being in the case of divorce proceedings where in some counties the Sessions Court does act as a court of record. As a result of this situation, Sessions Courts often are reduced to a forum used by attorneys to gather facts. This is possible since attorneys realize any case originating in Sessions Courts is appealable de nova.

Interviews with Sessions Court Judges makes obvious their frustrations with this situation. Sessions Court Judges have related that oftentimes, it is quite apparent attorneys have come to court ill-prepared to present their client's case only because the entire matter before the court can be completely retried at a higher level. In such case, an attorney uses the Sessions Court appearance to obtain a "sneak preview" of the legal tactics to be imposed by the opposing counsel, in addition to reviewing the various witnesses who may be called upon to provide testimony.[25]

This undesirable and costly situation can be eliminated in part by making the Sessions Courts, Courts of Record. If this reform were enacted, attorneys would be forced to prepare their Sessions Court cases with greater care since appeals on adverse decisions would have to be

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[24] James France, Preliminary Report on the Judicial System of Tennessee, Part 1 (New York: Institute of Judicial Administration, New York University, Junek 1971), p. 11C.

[25] Interview with Knox County Sessions Court Judge Andrew Evans, July 8, 1972.

based on the Sessions Court record. From my observations, this reform would be welcomed by any conscientious judges and attorneys who operate within the Sessions Court system.

X. INTERNAL OPERATIONS OF THE COURT

Finally, this chapter will deal briefly with the judicial authority which Sessions Court Judges possess in maintaining the orderly operation of their court, the compensation and term of each office holder, and the circumstances through which vacancies may occur on the court.

XI. JUDICIAL AUTHORITY

The State Legislature has provided General Sessions Court Judges with various mechanisms to insure that their judgements are obeyed and complied with. Tennessee Code Annotated, 16-102 cites the authority of the court in this regard.

1. Enforce order in its immediate presence, or as near thereto as is necessary to prevent interruption, disturbance or hindrance to its proceedings.

2. Enforce order before a person or body acting under its authority.

3. Compel obedience to its judgements, orders, and process, and to the order of a judge out of court, in an action proceeding therein.

4. Control, in furtherance of justice, the conduct of its officers, and all other persons connected with a judicial proceeding before it, in every matter appertaining thereto.

5. Administer oaths whenever it may be necessary in the exercise of its powers and duties.

6. Control its process and orders.[26]

In addition, Sessions Court Judges have contempt powers in the following instances:

1. The willful misbehavior of any person in the presence of the court, or so near thereto as to obstruct the administration of justice.

2. The willful misbehavior of any of the officers of the court in their official transactions.

3. The willful disobedience or resistance of any officer of the court, party, witness, or any other person, to any lawful writ, process, order, rule or command of the court.

4. Abuse of, or unlawful interference with, the proceedings of the court.

5. Any other act or ommission declared a contempt by law.[27]

Additionally, William W. Hall, in his 1972 edition of the General Sessions Court indicates that "the judge of the General Sessions Court may adopt such rules as may be necessary to expedite the trail and disposal of cases" (T.C.A., 16-1120).[28] However, this is subject to the right in the Supreme Court of Tennessee to prescribe general rules through the forms of process, writs, pleasings and motions and the practice and procedures in civil suits in the General Sessions Courts after such rules have been approved by the legislature and published in the Tennessee Code Annotated (T.C.A., 16-112, 16-114, 16-115).[29]

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[26]Tennessee Code Annotated, 16-102.

[27]William W. Hall, The General Sessions Courts (Charlottesville, Va.: The Michie Company, 1972), p. 29.

[28]Ibid.

[29]Ibid.

The powers of the court as outlined in this section appears to give the General Sessions Courts the enforcement authority necessary for conducting its affairs in an orderly manner.

XII. COMPENSATION AND TERM OF OFFICE

The State Constitution provides that all inferior court officers shall hold office for a period of eight years.[30] For all practical purposes, this time frame for holding a General Sessions Court Judgeship is uniform throughout the State of Tennessee.

Compensation for holding General Sessions Court Judgeships range from a low of $5,000 per annum in counties with a population of less than 5,225 and a high $22,500 per annum in counties where the population is not less than 62,000. In addition, in some jurisdictions up to $6,000 has been added above and beyond the fixed base salary where Sessions Court Judges preside as both the General Sessions Court Judge and Juvenile Judge.[31]

The most recent update of General Sessions Court salaries occurred through the passage of a public act by the General Assembly in 1974.

XIII. COURT VACANCIES

Apart from death, there are four methods through which a vacancy may occur in the various General Sessions Courts throughout the State of Tennessee.

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[30] Tennessee Constitution, Article 6, Sec 4.

[31] Tennessee Code Annotated, 16-1109.

First, a judge may voluntarily retire from office, but there are no compulsary age limits in this regard. Tennessee Code Annotated, 17-501 through Section 539 does outline the methods through which General Sessions Court Judges may obtain retirement benefits.

Investigations into this subject conclude that General Sessions Court Judges seem to be generally satisfied with their retirement system.[32]

The next three methods through which a vacancy may occur in a General Sessions Court involve the disciplinary process. First, under the constitution, General Sessions Court Judges may be impeached by a majority vote of the State House of Representatives. Upon a return of a bill of impeachment, the Senate proceeds to try a Sessions Court Judge under an indictment by the House. After a proper trial, a two-thirds vote of the Senate is required to remove the impeached judicial officer from office.[33]

Second, the State Legislature has the option to short-circuit this impeachment and trial process through an independent two-thirds vote of both houses.[34] However, due to the fact that General Sessions Court Judges generally maintain a good rapport with their respective Legislative Delegation, it would appear that such a process of removing

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[32]Tennessee Law Revision Commission, "The Judicial System of Tennessee: A Background Study," Interim Report, March 1, 1966, p. 71.

[33]Ibid., p. 74.

[34]Ibid.

judicial officers would be used only on rare occasion and then only for cause rather than personality conflicts.

Finally, for all practical purposes, the voters of Tennessee through the electoral process are the final arbiters of whether or not a Sessions Court Judge shall remain in office.

Courts, in order to operate effectively, must maintain the confidence of the public. Although the vast majority of General Sessions Court Judges perform in a highly professional manner, there are exceptions. In order to correct this situation, uniform standards should be applied concerning the requirement that all General Sessions Court Judges possess a law degree, and the elimination, where possible, of outside employment, including the practice of law. This need for public confidence in its judicial officers is especially crucial at the local level since it is here that the majority of citizens are first introduced to our legal system in Tennessee.

CHAPTER IV

REFORM

I. INTRODUCTION

Since the inception of the General Sessions Court System nearly four decades ago, the State Legislature, with the exception of a 1959 Public Act, has failed to enact legislation which would streamline and make whole what has become a fragmented and diverse system of lower court justice. Nevertheless, this 38-year period has produced a unified lobbying effort by jurors, legal scholars, public officials, legislative committees, the news media, and public interest groups whose efforts have been aimed at Sessions Court reform.

II. ADVOCATES FOR REFORM--LEGAL SCHOLARS

After the 1937 decision of Chief Justice Greene upholding the constitutionality of the General Sessions Court acts,[1] legal scholars became the initial group to challenge the General Sessions Court System outside the formal judicial process. In a 1956 Tennessee Law Review article, Shelby County General Sessions Court Judge, Paul M. Bryan, and Memphis attorney, Isadore B. Baer, presented the first authoritative review and critical analysis of the General Sessions Court as it had evolved during the past 19 years. In concluding this article, the

[1] 171 Tenn. 420, 424, 435, 104 S. W. 2nd 824 (1937).

authors called for basic reforms which remain outstanding to this date. Their recommendations included the enactment of State Legislation which would bring uniformity to the State Sessions Court System as well as calling for a general elevation in the quality and compensation of those holding Sessions Court Judgeships.[2] Subsequent studies in 1963,[3] 1966,[4] 1969,[5] and 1971,[6] further expanded the body of knowledge which could be used as a basis for reforming the General Sessions Courts of Tennessee.

In April of 1969, after extensive written documentation on the subject of Sessions Court reform, the House Judiciary Committee established a subcommittee on judicial reform which was charged with preparing recommendations concerning the following areas of the Tennessee Judicial System:

1. Salary and retirement of judges and attorneys general.
2. Consolidation of courts and jurisdiction.
3. Redistricting of judicial districts.
4. Courts of General Sessions.

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[2]Paul M. Bryan and Isadore B. Baer, "General Sessions Courts: Origin and Recent Legislation," Tennessee Law Review, XVI (June, 1941), p. 683.

[3]Elvin E. Overton, "The Judicial System and Its Administration in Tennessee," Tennessee Law Review, CLVI (1963).

[4]Tennessee Law Revision Commission, "The Judicial System of Tennessee: A Background Study," Interim Report, March 1, 1966.

[5]Subcommittee on Judicial Reform, "Recommendations on Judicial Reform," House Judiciary Committee Report, November 17, 1969.

[6]James France, "Preliminary Report on the Judicial System of Tennessee, Part 1, Structure and Operations" Institute of Judicial Administration, New York University, June, 1971.

5. Courts of Claim.[7]

Seeking outside assistance, the subcommittee accepted the advice and counsel of three influential groups. These organizations were the Tennessee Judicial Conference which included two Chancery Court Judges and two Circuit Court Judges, five members of the Tennessee Bar Association, and various citizens who acted as the driving force behind a public interest group known as Citizens for Court Modernization, Inc.--a two hundred member organization of Tennesseans formed in 1966.

On November 17, 1969, the House Subcommittee on Judicial Reform made the following recommendations concerning the State's General Sessions Court System:

A. Establish a state-wide system of General Sessions Courts, which would be state courts, with uniform jurisdiction.

B. Jurisdiction would be as follows:

   1. Same as presently held under existing General Sessions Court Law (not private acts--no special jurisdictions, such as juvenile, domestic relations, etc.).

   2. Criminal--stay same.

   3. Civil--uniform at $5,000 with equity to stay as is ($50.00) limited power to issue extraordinary process (Fiats, etc.).

   4. Consolidate Municipal Courts into General Sessions Courts Systems--(in effect, abolish Municipal Courts).

C. In addition to the Constitutional requirements for judges of inferior courts (Article VI, Section 4--30 years of age--state resident 5 years--circuit or district resident 1 year), require all General Sessions Judges to be learned in the law, which must be evidenced by the judge being authorized to practice law in the courts of Tennessee. (As in T.C.A., 17-119.)

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[7]Subcommittee on Judicial Reform, "Recommendations on Judicial Reform," House Judiciary Committee Report, November 17, 1969, p. 1.

D. Require General Sessions Judges to devote full time to their duties to the extent that they are prohibited from practicing law or performing any of the functions of attorney or counsel in any of the courts of the state, except in cases in which they may have been employed as counsel prior to assuming the bench (as in T.C.A., 17-105).

E. Provide uniform salaries for General Sessions Judges. The sum of $12,000 annually has been suggested.

F. Provide uniformly that the Circuit Court Clerks will also be clerks of the General Sessions Courts.

G. Create general sessions court districts compatible with those established for trial courts of general jurisdiction, the districts to be established on a population basis.[8]

With research now completed the time was at hand to translate recommendations into a legislative program.

III. SENATE BILL NO. 1886

After receipt of the House Judiciary Committee's recommendations for a Sessions Court Reform, several pieces of legislation were introduced based on the findings of the subcommittee. Perhaps the most ~~comprehensive bill on this subject~~ was submitted to the State Legislature on February 11, 1974, under the authorship of Representative Ira Murphy (Dem.--Shelby County) and Senator Daniel Oehmig (Dem.--Chattanooga). The broad-based approach of this bill is made clear in the legislation's Declaration of Purpose which follows:

> AN ACT to amend certain sections of Title 16, Chapter 11, Tennessee Code Annotated, and Sections 8-810, 8-2502, 12-804, 17-119, 19-301, 23-903, 32-201, 32-205, 32-208, 37-202, 37-204 37-205, 37-207, 37-223, 37-249, and 38-301, Tennessee Code Annotated, and to repeal Tennessee Code Annotated, Sections

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[8] Ibid., pp. 6-7.

16-1103, 16-1108, 16-1110, and 16-1112 relative to the courts of general sessions; to provide for general sessions court districts and the election of general sessions judges; to provide for assigning judges; to define powers of general sessions judges; to provide for secretarial assistance; to provide for additional judges; to define the jurisdiction of general sessions courts; to fix the qualifications, salaries, and expense allowances of general sessions court judges; to regulate the time they must devote to their duties; to regulate the disposition of fees, commissions, and fines; to provide contempt powers for general sessions courts; and to suspend the operation of certain conflicting private acts.[9]

The three key provisions of this bill were aimed at general redistricting of the Sessions Court, based on updated population figures, a redefinition of judicial qualifications and the elimination of court diversity created by conflicting private and public acts.

IV. REDISTRICTING

The first section of S-1886 was devoted to the establishment of 65 General Sessions Court districts throughout the State of Tennessee. These districts were to be manned by 101 Sessions Court Judges with judicial assignments ranging from one judge in smaller counties such as Jefferson, Miegs, and Benton, to the assignment of nine judges in the highly populated 60th General Sessions Court district of Shelby County.

Reform offered in this portion of S-1886 is in dramatic contrast to prior methods for determining the number of Sessions Courts in the State of Tennessee. Previously, the two dominate factors in determining the creation of new Sessions Courts were individual county boundaries and population figures which had not been updated in some cases for

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[9]Senate Bill No. 1886, 1974, p. 1.

almost a quarter of a century. Perhaps for political considerations or other reasons, the legislature seemed bent on using this criteria for establishing a Sessions Court in every county in the state whether justified or not. The end product of this method for establishing Sessions Courts was the creation of a judicial system which found some courts hard pressed to justify their existance due to light case loads while other courts found themselves over worked from attempting to serve a large population base with too few judges.

Thus, with census data reported in various periodicals indicating that Tennessee's population will outpace other states through 1990,[10] and given the 1973 Tennessee Bar Association study of the imbalance in Sessions Court caseloads,[11] it seems clear that S-1886 represented a unique opportunity for the establishment of an updated modern day court system.

V. REDEFINITION OF JUDICIAL QUALIFICATIONS

S-1886, Section 9 contains the judiciary subcommittee's recommendations for judicial reform. The two major considerations in this regard relate to the educational background required of Sessions Court Judges along with the amount of time each judge must devote to his judicial duties. First, Section 9 requires all Sessions Court Judges

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[10] "Who Will Prosper, Who Will Lag--Survey of Nation's Key Areas," U. S. News and World Report, LXXVIII, No. 1 (January 6, 1975), pp. 43-45

[11] W. Slater Hollis, "Can Quality Justice Be Speeded Up in the State Courts," Tennessee Bar Association, May, 1973.

to be learned in the law as evidenced by the judge being authorized to practice law in the courts of Tennessee. Secondly, this legislation stipulated that each Sessions Judge be required to devote "all of his working time to the duties of his office and will not engage in the practice of law in any capacity other than a General Sessions Court Judge."[12] This provision is further strengthened in Section 11 by authorizing a salary of $22,500 per year for each of the state's General Sessions Court Judges.

While S-1886 clearly initiates two vital reforms in the qualifications for General Sessions Court Judges, still other needed reforms are left unanswered.

VI. JURISDICTIONAL REFORM

Section 20 of S-1886 sought to bring uniformity in the civil and criminal jurisdiction of the General Sessions Court by repealing all private acts affecting the General Sessions Courts. Thus, S-1886 overcomes a tragic flaw in the 1959 Public Act which allowed courts established by private acts to escape the civil and criminal provisions named therein.

VII. AGE STANDARDS

Due to the general propensity of the voting public to re-elect members of the judiciary, it would seem that any reform legislation relating to the General Sessions Court should include the establishment

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[12]Senate Bill No. 1886, 1974, Section 14, p. 19.

of a provision relating to mandatory retirement. While age cannot always be equated with judicial competency, there seems to be a general recognition that advanced age does represent certain barriers to the performance of the day-to-day tasks required of the judiciary.

Although a detailed study on this subject does not exist within the general Sessions Courts, I have made some personal observations of the effectiveness of those Sessions Court Judges who have retained their position on the bench beyond the age of 65. This situation involves watching frustrated detectives waiting on an aged judge while he attempted to fill out a search warrant. The judge, exhibiting feebleness and a hearing impairment, took an extended period of time to complete the warrant because he was not familiar with the recent United States Supreme Court's decision in this area. This delay, it was later discovered, enabled the thieves to remove the stolen items in question from the house where they were concealed. Moreover, the warrant drawn up by the judge was eventually declared invalid since the judge failed to supply an appropriate date authorizing the requested search. Although anyone of any age is capable of misinterpreting the criminal procedure requirements of the U. S. Supreme Court, this example does provide a starting point for exploring the desirability of imposing age limitations with regard to service on the Sessions Court bench.

Although some form of mandatory retirement may be desirable, the enactment of such legislation could be difficult. The problems inherent in such a process are both political and practical. Clearly, the placement of mandatory retirement provisions in the Tennessee Code requires a general act supported by a majority of the State's

legislative body. Political considerations might also make it difficult to impose a mandatory retirement age on General Sessions Courts Judges without extending this limitation to all other State Judges. Efforts in this regard are most assuredly due for heavy political opposition as those Sessions Court Judges adversely affected begin to lobby against such a change. The lack of success in this regard to date provides further evidence of the potential problems which must be overcome in order to bring about such a reform.

VIII. WHAT WENT WRONG

S-1886 considered to be a well-constructed court reform bill by professionals and supported by the weight of several studies, on its face, seems to be legislation marked for general acceptance by the legislature. However, as has been the case with past attempts to reform the Sessions Courts, S-1886 met with heavy political opposition from what would seem to be the legislation's potentially strong proponents--the judiciary.

The forces behind the death of S-1886 provide a case study in the defeat of legislation introduced since 1937 aimed at reforming the State's General Sessions Courts.

Unfortunately, the failure to pass a Sessions Court reform measure in 1974 was in part due to the failure of legislators and their lobbyist supporters to learn from the mistakes in practical politics made in previous years by those attempting to reform the entire judicial system in Tennessee.

With just a limited amount of research, the backers of S-1886 could have learned from the 1972 legislative sessions that when you separate judicial pay increases from legislation calling for court reform, a powerful leverage is lost in obtaining support from the most influential group in the passage of court modernization legislation--the judges themselves. In 1972, the state's judiciary was keenly interested in the passage of the legislation which would improve their salaries and retirement benefits. The members of the judiciary, at this point in time, seemed prepared to accept any compromises which would eventually lead to their goal of increased compensation for services rendered. Such compromises included a willingness to trade off the enactment of various court reform measures in return for improvements in their monetary standing. However, once separate legialation was enacted with regard to increased salaries and improved retirement benefits, those members of the judiciary influential in the legislature quickly lost interest in any legislation which would reform the basic structure of the Tennessee court system.

With the enactment of judicial pay increases the previous year, opponents of court modernization set out in the next session of legislature to collect on past due debts. After making the fatal mistake of assuming judicial support, judicial reformers, such as Citizens for Court Modernization, along with their supporters in the State Legislature began a well organized state-wide public relations program to gain support for a broad based court modernization bill. Unfortunately, this public relations effort organized and created by the highly professional Knoxville advertising firm of Lavidge and Associates, was so massive that

it began to take priority over the day-to-day work involved in navigating the proposed reform legislation through the state legislature. All through 1973, front page articles and editorial endorsements appeared in urban and rural newspapers, such as the Knoxville News-Sentinel,[13] Hamilton County Herald,[14] Johnson City Press Chronicle,[15] The Oak Ridger,[16] The Bledsonian-Banner,[17] Warren County Tribune,[18] and practically every other newspaper in the state. Public statements were also extracted from Governor Winfield Dunn,[19] Senator Howard Baker,[20] and the mayors of the state's four major cities in support of court modernization.[21] However, while this public relations' campaign was underway, members of the State's Judiciary set out on a campaign of their own to undermine attempts to reform the State's court system. With their

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[13]Editorial, "An Idea Too Good To Die," Knoxville News-Sentinel, August 5, 1973.

[14]Editorial, "Governor Dunn Urges Court Redistricting; Calls for Constitutional Convention," Hamilton County Herald, November 9, 1973, p. 1.

[15]"Dunn Expects to Help Remap Court Districts," Johnson City Press Chronicle, October 19, 1973, p. 1.

[16]"Court Reform Needs a Strong Lobby," The Oak Ridger, November 23, 1973, p. 4.

[17]"Governor Dunn Endorses Court Modernization," The Bledsonian Banner, September 6, 1973, p. 6.

[18]"Court Modernization Said Badly Needed," Warren County Tribune, October 12, 1973, p. 11.

[19]"Dunn Expects to Help Remap Court Districts," Johnson City Press Chronicle, October 19, 1973, p. 1.

[20]"Senator Howard Baker Recommends Court Reform," Union City Daily Messenger, December 7, 1973, p. 10.

[21]"Four Mayors Endorse Modernizing Courts," The Oak Ridger, January 1, 1974, p. 2.

pay increase in pocket, members of the judiciary successfully lobbied with their respective legislative delegations to defeat the proposed court modernization bill. Especially active in this effort were those judges who faced the possibility of having "safe" electoral counties removed from their districts.

Needless to say, in 1973, there was no comprehensive court modernization for Tennessee's courts of record.

IX. SESSIONS COURT REFORM--A SIMILAR EXPERIENCE

Failing to learn from the lessons of those who attempted to reform the State's courts of record, proponents of General Sessions reform plunged ahead in 1974 with their legislation calling for the redistricting of the State's General Sessions Courts.

Early in 1974, learning from past experience, those General Sessions Judges who would be adversely affected by any redistricting of the court system began to lobby for separate legislation dealing with pay increases and court reform. Initially, a large number of rural based Session Court Judges argued successfully with their legislative delegations that S-1886's redistricting provisions would result in the loss of normally "safe" counties which in the past had insured their election, and in most cases re-election. As the result of having considerable influence on the local political scene, these rural judges were able to gain the necessary support to defeat S-1886.

Next these judges pressed for the passage of legislation which would upgrade their salaries. Although the passage of this legislation became a drawn-out process, in the waining hours of the 1974 Session of

the State Legislature, a public law was enacted which did increase Sessions Court salaries. Thus, Sessions Court Judges were able to obtain what, in their opinion, was the best of both worlds. The defeat of legislation which would threaten their very existence while at the same time seeing the passage of legislation which increases their compensation.

Thus, in 1974, Sessions Court Judges borrowed a chapter from their judicial counterparts in the state's court of record and successfully avoided threatening court reform while at the same time insuring the production of legislation calling for increased compensation.

X. POLITICS AND SALARY INCREASES

Further evidence of the highly political atmosphere surrounding court reform in 1974 can be seen in attempts by state legislators to influence the legislative position of Sessions Court Judges in their districts through the passage of salary increase legislation. Clearly, a close examination of House Bill 257 which was passed by the state legislature and signed into law by Governor Winfield Dunn on May 1, 1974, provides a classic study in the use of salary increases to influence the legislative position of the judiciary. House Bill 257, along with establishing an automatic cost-of-living increase provision also established the following salaries for General Sessions Court Judges in counties of various classes (see Table 3). Once a reasonable salary standard was set by the legislature, various legislators at the last minute began to tack on amendments to this legislation which would either increase or diminish salaries for various judges in their

TABLE 3. Salaries for General Sessions Court Judges.

County by Class	Salary
Counties of the first class	$ 22,500
Counties of the second class	19,000
Counties of the third class	17,500
Counties of the fourth class	15,000
Counties of the fifth class	11,000
Counties of the sixth class	9,000
Counties of the seventh class	8,000
Counties of the eighth class	7,000

SOURCE: House Bill No. 257, April 24, 1974, p. 1427.

legislative districts. On the basis of numerous comments made to this author by legislators involved in the passage of this legislation together with the prevailing opinion on Capitol Hill, there seems to be little doubt that this amending legislation was an attempt to pay back those judges who had been loyal during previous elections, while at the same time punishing members of the judiciary who had failed to provide support in past elections. In fact, a review of this legislation indicates that over 24 counties in the state were affected by these special interest amendments. For example, the first amendment to this legislation affected the City of Chattanooga. Here, the legislative delegation from this area incorporated in HB 257 the following clause.

> Provided, however, that salaries of General Sessions Judges in counties of the first class having populations of no less than 250,000, no more than 260,000 according to the 1970 U. S. Census population or any subsequent federal census shall be $18,500 per annum.[22]

Thus, by using tightly drawn population standards, the legislative delegation for Hamilton County was able to decrease the salary of General Sessions Court Judges in their area from $22,500 per annum to $18,500 per annum. Discussions with various legislators who authored HB 257 indicate that this move was clearly politically motivated.[23] Still further review of this legislation shows that Judges were reduced or increased in salary in the following instances--a decrease in salary from $22,500 to $19,000 was provided for Sessions Court Judges in counties of not less than 62,000 nor more than 63,000. Decrease in

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[22]Ibid, Section 1, p. 1427.

[23]Interview with State Senator Brown Ayres, October 15, 1974.

salary from $17,500 to $13,800 per annum in counties having populations of not less than 47,000 nor more than 47,700. And oddly enough, providing for increase in salaries from $13,800 to $16,000 per annum in counties having populations of not less than 43,000 nor more than 43,500 (just a population difference of 200). Providing salary increase from $11,000 to $12,000 per annum in counties having populations of not less than 25,700 nor more than 26,000. Providing salary increases from $11,000 to $14,000 per annum for counties having populations of not less than 28,500 nor more than 28,950.

The list goes on and on until 24 counties throughout the state are affected by this special interest legislation.

Thus, in 1974 as in past years, not only did some General Sessions Court Judges help turn back efforts to reform the judicial system but also gained salary increases for their support in bringing about the defeat of this legislation. It is interesting and by no means coincidental that the salaries of some other judges on record as favoring reform legislation were reduced during this period.

In conclusion, it should be recognized that increases or reductions in salary schedules might well be based on factors other than the legislative position of certain Sessions Court Judges on the subject of court reform. In fact, such salary adjustments could conceivably be the result of party politics where members of a particular legislative delegation and the Sessions Court Judges in their districts do not share the same party affiliation. In addition, age and experience and the need to maintain a pay differential between various judicial office holders

within a particular legislative district may also have contributed to the salary adjustments offered in HB 257.

CHAPTER V

CONCLUSION

At some point in time the author of a formal study is entitled to take poetic license and draw conclusions. The following are my observations on the material presented in this document as sell as an overview of the topic of discussion--The General Sessions Courts of Tennessee.

Chapters I, II, III, and IV provide the reader with a broad overview of the development of the General Sessions Courts in Tennessee. A detailed review of how the court has evolved, its lack of uniformity from county to county and its standards for holding judicial office comprise the main thrust of this exploration. With this information in hand, certain conclusions can be drawn concerning the status of the State's Sessions Courts as they exist in 1975.

First, the Sessions Courts which were once the product of a reform movement, are now themselves in need of reform. A review of the courts' jurisdictional diversity and its lack of uniform judicial qualifications make this observation manifest. Legislative Delegations once confronted with the decision to install Sessions Courts in their respective counties must now decide whether or not the time has come to undo the damage created by this piece-meal approach and enact legislation which establishes Sessions Courts as an inferior court system with state-wide jurisdictional and judicial uniformity. Although various alternatives have been offered in this regard, the reform offered in S-1886 seems to

encompass a broad concensus of the reforms required to establish such a state-wide system of General Sessions Courts.[1]

Second, once the decision to create a uniform system of Sessions Courts has been adopted, a successful political stragegy must be developed in order to overcome the partisan divisions which have characterized efforts at reform in the past. It is here in the political arena where such an effort breaks down. This is due to the politics which initially created Sessions Courts on a county-by-county basis. An historical development of this fact provides some perspective on this conclusion.

With the advent of the General Sessions Courts in 1937, the State Legislature offered counties throughout Tennessee with an alternative to the plaintiff-oriented Justice of the Peace. During this transition period, one by one legislative delegations made hard and fast decisions as to the feasibility of such courts in their legislative districts. Once a decision was made to proceed, private acts were utilized to tailor each court so as to reflect political, social, and judicial characteristics of the individual counties adopting the Sessions Courts' approach. This process not only created a diverse system of Sessions Courts, but also produced divergent attitudes in each county as to the proper role of the Sessions Court. One of the results of this approach is that, today, efforts at reform are hampered by the vested interests which now lie within each of the counties possessing a Sessions Court created by

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[1]Interviews with State Senator Brown Ayres (Knox County), September 10, 1975, and State Representative Ira Murphy (Shelby County), February 27, 1975.

private acts of the legislature. The reversal of these sectional attitudes is now a pivotal factor in reforming the State's Sessions Courts in upcoming sessions of the Legislature.

Finally, until those actively involved in the day-to-day operation of the General Sessions Courts can view reform as a non-threatening process, there will be no reform in this system of lower court justice. Of major importance in this regard is the establishment of a redistricting system which has the ability to obtain wide-spread acceptance from the current holders of judicial office. This task will be a difficult process indeed, particularly in view of the warrant issuing function of the General Sessions Court Judge.

Unfortunately, reform legislation, if enacted in any of the upcoming sessions of the State Legislature, cannot be implemented until 1982 when the current judicial officers of the Sessions Court come up for re-election. Perhaps on this occasion, the various legislative bodies and public interest groups concerned with court reform will do a better selling job than has been accomplished in the past. Only time will tell if the necessary lessons in practical politics have been learned in order to accomplish a success story with regard to court reform. However, it must be acknowledged that past experience offers no optimism that this in fact will occur.

Without question, the General Sessions Court is the primary court system in Tennessee where the majority of Tennesseans seek to protect their individual liberties and property rights, redress wrongs, and insure the stability in the conduct of their economic and social lives. It is hoped that our Sessions Court system with its overworked and

underworked judicial districts, and qualified and unqualified judiciary can one day be converted into a unified system of lower court justice which avoids confusion for those seeking resolution of the cases and controversies eminating from a society based on the principle of law and order.

Perhaps by 1982 as more and more Tennesseans become involved with the judicial system as represented by the Sessions Courts, increasing pressure will be applied to adjust the courts so as to make them structurally uniform throughout the State of Tennessee. The State Legislature certainly possesses the mechanism to accomplish such a goal. The only question remaining is whether its members have the will to do so.

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APPENDICES

APPENDIX A

CIVIL JURISDICTION

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
ANDERSON	1947, Ch. 459	2	Justice of the Peace powers and:
		3	Divorce
		3	Abatement of certain public nuisances
BEDFORD	1947, Ch. 41	2	Justice of the Peace powers.
BLEDSOE	1941, Ch. 363	2	Justice of the Peace powers and:
		18	Extraordinary process powers: a. injunction
BLOUNT	1947, Ch. 345	2	Justice of the Peace powers.
BRADLEY	1955, Ch. 17	2	Justice of the Peace powers and:
		3	Divorce.
		3	Partition of land.
		3	Sale for partition of land.
		4	Extraordinary process powers: a. injunction b. attachment c. same as Chancery and Circuit
CAMPBELL	1947, Ch. 769	2	Justice of the Peace powers.
CARTER	1943, Ch. 333	2	Justice of the Peace powers.
CHESTER	1959, Ch. 292	2	Justice of the Peace powers and:
		2	Extraordinary process powers: a. injunction b. attachment c. same as Chancery and Circuit

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
CLAIBORNE	1957, Ch. 411	2	Justice of the Peace powers.
CLAY	1949, Ch. 285	2	Justice of the Peace powers.
COCKE	1953, Ch. 316	2	Justice of the Peace powers and:
		7	Extraordinary process power: a. flats returnable to appropriate court.
COFFEE	1953, Ch. 376	2	Justice of the Peace powers and:
		3	Extraordinary process powers: a. same as Chancery and Circuit
CROCKETT	1959, Ch. 274	2	Justice of the Peace powers and:
		2	Extraordinary process powers: a. injunction b. attachment c. same as Chancery and Circuit
DAVIDSON	1937, Ch. 12	2	Justice of the Peace powers.
DEKALB	1949, Ch. 727	2	Justice of the Peace powers.
DICKSON	1955, Ch. 412	2	Justice of the Peace powers and:
		12	Extraordinary process powers: a. same as Chancery and Circuit
GIBSON	1959, Ch. 328	1	Adopts Public Act 1959, Ch. 109.
GILES	1943, Ch. 186	2	Justice of the Peace powers.
GREENE	1955, Ch. 170	2	Justice of the Peace powers and:
		3	Extraordinary process powers: a. may grant all applied for in this court.
HAMBLEN	1947, Ch. 235	2	Justice of the Peace powers and:
		2	Probate.
		3	Guardianship.
		3	Insanity.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
		3	Workman's Compensation.
		3	Suits and actions: a. same power as county.
		4	Extraordinary process powers: a. effective as various courts in this state.
HAMILTON	1941, Ch. 6	2	Justice of the Peace powers.
HARDIN	1955, Ch. 231	2	Justice of the Peace powers.
HAWKINS	1955, Ch. 286	2	Justice of the Peace powers and:
		3	Probate.
		3	Guardianship.
		3	Workman's Compensation.
		3	Insanity.
		3	Suits and actions: a. same as county.
		4	Extraordinary process powers: a. same as Chancery and Circuit.
HENDERSON	1941, Ch. 393	2	Justice of the Peace powers.
HENRY	1955, Ch. 77	2	Justice of the Peace powers and:
		20	Extraordinary process powers: a. injunctions. b. attachments. c. same as Chancery and Circuit.
HICKMAN	1953, Ch. 537	1	Justice of the Peace powers.
JACKSON	1949, Ch. 460	2	Justice of the Peace powers and:
		17	Extraordinary process powers: a. fiats returnable to the appropriate court.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
JEFFERSON	1959, Ch. 68	2	Justice of the Peace powers and:
		2	Probate.
		2	Guardianship.
		2	Insanity.
		2	Workman's Compensation.
		2	Suits and actions: a. same power as county.
		4	Extraordinary process powers: a. effective as various courts in this state.
KNOX	1939, Ch. 54	2	Justice of the Peace powers.
LAWRENCE	1943, Ch. 55	2	Justice of the Peace powers.
LEWIS	1941, Ch. 944	2	Justice of the Peace powers.
LINCOLN	1951, Ch. 34	2	Justice of the Peace powers.
LOUDON	1959, Ch. 57	2	Justice of the Peace powers and:
		6	Extraordinary process powers: a. injunctions. b. attachments. c. all types.
MACON	1951, Ch. 555	2	Justice of the Peace powers and:
		3	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery and Circuit.
MADISON	1941, Ch. 50	2	Justice of the Peace powers.
MARSHALL	1945, Ch. 466	2	Justice of the Peace powers.
MAURY	1947, Ch. 254	2	Justice of the Peace powers.
MONTGOMERY	1953, Ch. 232	2	Justice of the Peace powers.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
OBION	1955, Ch. 386	2	Justice of the Peace powers.
PUTNUM	1949, Ch. 868	2	Justice of the Peace powers and:
		2	Claims of $1,000 or less.
		22	Extraordinary process powers: a. injunctions. b. attachments. c. same as Chancery and Circuit.
		23	Vested with jurisdiction formerly invested to County Court and Monthly County Court.
RHEA	1959, Ch. 347	2	Justice of the Peace powers and:
		2	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery and Circuit.
		22	Vested with jurisdiction formerly invested in County Court and Monthly County Court.
ROANE	1959, Ch. 77	2	Justice of the Peace powers and:
		2	Divorce.
		3	Replevin actions.
		3	Abatement of public nuisance.
		6	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery and Circuit.
ROBERTSON	1958, Ch. 140	2	Justice of the Peace powers and:
		7	Divorce.
RUTHERFORD	1947, Ch. 384	2	Justice of the Peace powers.
SCOTT	1951, Ch. 657	2	Justice of the Peace powers.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
SHELBY	1941, Ch. 123	2	Justice of the Peace powers.
SMITH	1959, Ch. 34	2	Justice of the Peace powers and:
		3	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery and Circuit.
SULLIVAN	1947, Ch. 349	6	Justice of the Peace powers.
SUMNER	1949, Ch. 481	2	Justice of the Peace powers and:
		3	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery and Circuit.
TIPTON	1951, Ch. 193	2	Justice of the Peace powers and:
		7	Extraordinary process powers: a. fiats returnable to appropriate court.
TROUSDALE	1939, Ch. 390	2	Justice of the Peace powers.
WARREN	1941, Ch. 91	2	Justice of the Peace powers.
WASHINGTON	1955, Ch. 165	2	Justice of the Peace powers.
WEAKLEY	1955, Ch. 357	2	Justice of the Peace powers and:
		19	Extraordinary process powers: a. attachments. b. injunctions. c. same as Chancery and Circuit.
WHITE	1953, Ch. 35	2	Justice of the Peace powers and:
		4	Divorce.
		5	Claims of $1,000 or less.
		21	Extraordinary process powers: a. injunctions. b. attachments. c. same as Chancery and other courts.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
WILLIAMSON	1939, Ch. 424	2	Justice of the Peace powers.
WILSON	1949, Ch. 34	2	Justice of the Peace powers and:
		2	Extraordinary process powers: a. injunctions. b. attachments.

AMENDMENTS

COUNTY	AMENDING PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
ANDERSON	1949, Ch. 592	1	May grant a extraordinary process: a. same as Chancery and Circuit Court.
BEDFORD	NONE		
BLEDSOE	1943, Ch. 129	2	Divorce: a. same as Chancery and Circuit Courts.
		4	Court of Record.
BLOUNT	1949, Ch. 324	1	May grant extraordinary process: a. same as Chancery and Circuit Courts.
	1965, Ch. 202	2	This Court is vested with the following jurisdiction and the County Judge or Chairman is divested: a. Guardianship b. Change of name c. Legitimation d. Abandonment e. Insanity, Lunacy, Feeble-minded f. Foreclosures of mortgages and other vendors liens g. Condemnation h. Partition i. Conservatorship j. Bastardry k. Descendents estates
BRADLEY	NONE		
CAMPBELL	NONE		
CARTER	NONE		
CHESTER	NONE		
CLAIBORNE	NONE		

COUNTY	AMENDING PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
CLAY	NONE		
COCKE	1965, Ch. 268	1	Court has probate jurisdiction of Chairman of County Court. (divested)
		1	Divorce and annulment: a. concurrent jurisdiction with Chancery and Circuit Court. b. full power to enforce and decide care and custody of any child, allowance of alimony, support and maintenance of wife or children.
COFFEE	NONE		
CROCKETT	NONE		
DAVIDSON	NONE		
DEKALB	NONE		
DICKSON	NONE		
GIBSON	NONE		
GILES	1949, Ch. 76	2	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery Court.
GREENE	NONE		
HAMBLEN	1949, Ch. 291	1	Has power and jurisdiction of Chairman Count Court to hear and determine any matter now with-in the jurisdiction of the Quorum Court. (chairman divested)
		1	Extraordinary process powers: a. injunction. b. attachments. c. same as Chancery and Circuit Court.

COUNTY	AMENDING PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
	1951, Ch. 374	1	Hear and determine suits (civil), wherein the matter in controversy does not exceed $1,000 (exclusive of costs).
		2	Divorce: a. concurrent with Chancery and Circuit Court.
	1963, Ch. 18		Judge may remove disability of a minor.
HAMILTON	1943, Ch. 37	2	Powers co-extensive with county over claims and demands of whatsoever nature of $1,000 or less.
HARDIN	1968, Ch. 410	1	Divorce: a. concurrent jurisdiction with Chancery and Circuit Courts.
		2	Court of Record.
HAWKINS	NONE		
HENDERSON	NONE		
HENRY	NONE		
HICKMAN	NONE		
JACKSON	NONE		
JEFFERSON	NONE		
KNOX	NONE		
LAWRENCE	NONE		
LEWIS	NONE		
LINCOLN	NONE		
LOUDON	1963, Ch. 284	1	Divorce and annulments: a. same as Chancery and Circuit Courts.

COUNTY	AMENDING PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
	1965, Ch. 225	1	Workman's compensation a. concurrent with Chancery, Circuit and County Courts.
		2	May remove disability of a minor: a. same as Chancery and Circuit Courts.
MCMINN	NONE		
MACON	NONE		
MADISON	NONE		
MARSHALL	NONE		
MAURY	1949, Ch. 570	1	Jurisdiction includes all claims and demands of whatsoever nature of $1,000 or less.
MONTGOMERY	NONE		
OBION	NONE		
PUTNUM	NONE		
RHEA	NONE		
ROANE	NONE		
ROBERTSON	1965, Ch. 221	1	Divorce: a. concurrent jurisdiction with Chancery and Circuit Courts.
RUTHERFORD	1951, Ch. 516	1	May grant extraordinary writs.
	1963, Ch. 114	1	Divorce: a. concurrent jurisdiction with Chancery and Circuit Courts.
		1	Workman's compensation: a. same authority as now vested in Circuit and Chancery Courts.
SCOTT	NONE		
SHELBY	NONE		

COUNTY	AMENDING PRIVATE ACT	SEC.	CIVIL JURISDICTION CONVEYED
SMITH	NONE		
SULLIVAN	1949, Ch. 36	1	May handle all claims under $1,000.
SUMNER	NONE		
TIPTON	1968, Ch. 407	1	Divorce: a. jurisdiction of County Court vested in Tipton Sessions Court.
TROUSDALE	1947, Ch. 458	1	Extraordinary process powers: a. injunction. b. attachment. c. other actions for which fiats are necessary. d. concurrent jurisdiction with Chancery and Circuit Courts.
WARREN	1949, Ch. 54	1	Divorce May grant extraordinary writs: a. same as Chancery and Circuit Courts. Court of Record
WASHINGTON	NONE		
WEAKLEY	1961, Ch. 243	1	Divorce
WHITE	NONE		
WILLIAMSON	NONE		
WILSON	NONE		

APPENDIX B

JUDICIAL QUALIFICATIONS

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
ANDERSON	1947, Ch. 459	11	Same as for inferior courts.
		11	Licensed attorney.
		11	Resident of county.
		11	Oath--same as Chancery and Circuit.
		14	May practice law in all courts except: a. Anderson County Sessions Court.
		16	Term--8 years.
BEDFORD	1947, Ch. 41	12	Licensed lawyer.
		12	3 years general practice.
		12	2 years practice in Bedford County.
		12	Oath--same as Chancery and Circuit.
		22	May practice law except: a. may not be involved in cases which originated in Bedford County Sessions Court.
		14	Term--4 years except: a. 8 years if Court is held to be an inferior Court.
BLEDSOE	1941, Ch. 363	7	Same as for inferior courts.
		7	Oath--same as Chancery and Circuit Courts.
		9	Licensed lawyer of at least 5 or 6 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		9	Term--8 years.
BLOUNT	1947, Ch. 345	8	Same qualifications as Circuit Court.
		8	Licensed attorney.
		8	Admitted to practice before Tenn. Supreme Court.
		9	May not practice law.
		10	Term--8 years.
BRADLEY	1955, Ch. 17	9	Same as for Circuit and Chancery Courts.
		9	Oath--same as for Chancery and Circuit Courts.
		9	Term--8 years
		9	Same restrictions for practicing law as imposed upon Circuit and Chancery.
CAMPBELL	1947, Ch. 769	10	Same as for inferior courts.
		10	Resident and citizen of Campbell County.
		10	Licensed lawyer of Tennessee.
		10	Oath--same as for Chancery and Circuit.
		10	May practice law except: a. may not appear as counsel or attorney in any civil suit originating in his court. b. may not act as counsel or attorney in the Criminal Court of Campbell County.
		12	Term--8 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
CARTER	1943, Ch. 332	9	Learned in the law.
		9	Resident and citizen of Carter County.
		9	Oath--does not specify type.
		11	Term--presides until next election of Judicial Officers.
CHESTER	1959, Ch. 292	11	Same as for inferior Courts.
		11	Oath--same as for Chancery and Circuit.
		12	May practice law except: a. may not take cases originating in his court.
		13	Term--8 years.
CLAIBORNE	1957, Ch. 411	13	Same as for inferior courts except: a. term.
		13	Oath--same as for Chancery and Circuit Courts.
		15	Term--4 years.
		*	Does not state if may practice law or not.
CLAY	1949, Ch. 285	9	Same as for Chancery Court.
		9	Practicing attorney.
		9	Licensed to practice law in Tenn.
		9	Oath--same as Chancery Court.
		10	May practice law except: a. may not give advice or render any legal services in connection with any matter coming within the jurisdiction of his Court.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
			b. may practice in other courts if it doesn't interfere with this position.
		11	Term--8 years.
COCKE	1953, Ch. 316	7	Same as for inferior courts.
		7	Does not have to be licensed attorney.
		9	Term--8 years.
		*	Does not state if may practice law or not.
COFFEE	1953, Ch. 376	14	Same as for inferior courts.
		14	Oath--same as for Chancery and Circuit Courts.
		15	Term--4 years except: a. Term 8 years if court held to be an inferior court.
CROCKETT	1959, Ch. 274	9	Same as for inferior courts.
		12	May practice law as a lawyer except: a. may not take cases for Circuit, Chancery, Criminal and Sessions Court which originated in Sessions Court.
		13	Oath--same as for Chancery and Circuit Courts.
DAVIDSON	1937, Ch. 12	10	Same as for inferior courts.
		10	Oath--same as Chancery and Circuit Courts.
		10	Term--8 years.
		10	May not practice law.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
DEKALB	1949, Ch. 727	10	Same as inferior courts.
		10	Licensed lawyer.
		10	Oath--same as Chancery and Circuit Courts.
		12	Term--4 years.
		21	May practice law except: a. may practice in Chancery, Circuit, County and Appellate Courts of Tennessee except if case originated in Sessions Court.
DICKSON	1955, Ch. 412	8	Same as for Chancery Court.
		8	Oath--same as for Chancellor.
		9	May not practice law.
		10	Term--8 years.
GIBSON	1959, Ch. 328	1	Same as stated in Public Acts 1959, Ch. 109.
GILES	1943, Ch. 186	13	Same as for inferior courts.
		13	Licensed in law and actively engaged in the practice of law.
		13	Oath--same as Chancery and Circuit Courts.
		14	May not practice law.
		15	Term--8 years.
GREEN	1955, Ch. 170	8	Same as for Chancery and Circuit Courts.
		8	Oath--same as for Chancery and Circuit Courts.
		9	Term--8 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		*	Does not indicate if judge may practice law or not.
HAMBLEN	1947, Ch. 235	9	Same as for Chancery and Circuit Courts.
		9	Oath--same as Chancery and Circuit Courts.
		9	Term--same as Chancery and Circuit Courts.
		10	Term--8 years.
		*	Does not state if judge may practice law or not.
HAMILTON	1941, Ch. 6	11	Same as for inferior courts.
		11	Oath--same as for Chancery and Circuit Courts.
		12	May not practice law.
		14	Term--8 years.
HARDIN	1955, Ch. 231	12	Same as for inferior courts.
		12	Oath--same as for Chancery and Circuit Courts.
		13	May practice law except: a. unless case originated in Hardin Sessions Court. b. may practice in all other courts of the state.
		14	Term--8 years.
HAWKINS	1955, Ch. 286	15	Same as for inferior courts.
		15	Oath--same as for Chancery and Circuit Courts.
		16	Term--8 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		18	May not practice law in State or U. S. Court.
HENDERSON	1941, Ch. 393	13	Same as for inferior courts.
		13	Oath--same as for Chancery and Circuit Courts.
		13	Licensed to practice law.
		13	Actively engaged in the practice of law.
		14	May practice law in Chancery and County Courts of Tennessee.
		15	Term--8 years.
HENRY	1955, Ch. 77	12	Same as for inferior courts.
KNOX	1939, Ch. 54	9	Same as for inferior courts.
		9	Oath--same as for Chancery and Circuit Courts.
		10	May not practice law.
		11	Term--8 years.
LAWRENCE	1943, Ch. 55	12	Same as for inferior courts.
		12	Oath--same as Chancery and Circuit Courts.
		12	Licensed in law and actively engaged in the practice of law.
		12	Term--same as for inferior courts.
		13	May practice law in Chancery and Circuit Courts.
		14	Term--8 years.
LEWIS	1941, Ch. 944	7	County Judge acts as Sessions Judge.
LINCOLN	1951, Ch. 34	8	Same as for inferior courts.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		8	Oath--same as for Chancery and Circuit Courts.
		10	Term--8 years.
		*	Does not state if judge may practice law or not.
LOUDON	1959, Ch. 57	13	Same as for Chancery and Circuit Courts.
		13	Oath--same as for Chancery and Circuit Courts.
		18	May practice law in Chancery, Circuit County and Appellate Courts except: a. in cases originating in Loudon Sessions Court or in cases in which the facts relied on by a party were presented in a trial or proceeding held in said court. b. said judge shall not be a partner to any lawyer practicing in said court nor a member of a firm of practicing attorneys.
MCMINN	1947, Ch. 210	9	Same as for inferior courts.
		9	Oath--same as Chancery and Circuit Courts.
		10	May practice law except: a. may not render legal services in connection with any matter coming before his court.
MACON	1951, Ch. 555	8	Same as for inferior courts.
		8	Oath--same as for Chancery and Circuit Courts.
		9	May not practice law but may act as Judge of the City of Lafayette, Tennessee, under any contract made by said city with the county of Macon.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		10	Term--8 years.
MADISON	1941, Ch. 50	13	Same as for inferior courts.
		13	Oath--same as for Chancery and Circuit Courts.
		13	Term--same as for inferior courts.
		13	Licensed in law and actively engaged in practice of law.
		14	May not practice law.
		15	Term--8 years.
MARSHALL	1945, Ch. 466	8	Same as for inferior courts.
		8	Oath--same as for Chancery and Circuit Courts.
		8	Term--same as for inferior courts.
		8	Licensed lawyer with not less than 3 years experience in the general practice of law.
		*	Does not state if judge may practice law or not.
MAURY	1947, Ch. 254	13	Resident of Maury County.
		13	Over 21 years of age.
		13	Learned in the law.
		13	Term--8 years.
		13	Oath--same as for Chancery and Circuit Courts.
		14	May not practice law.
MONTGOMERY	1953, Ch. 232	11	Resident of Montgomery County.
		11	At least 30 years of age.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		11	Learned and practiced in law.
		11	Term--8 years.
		11	Oath--same as for Chancery and Circuit Courts.
		11	May not practice law.
OBION	1955, Ch. 386	10	Same as for inferior courts.
		10	Oath--same as for Chancery and Circuit Courts.
		11	May not practice law.
		12	Term--8 years.
PUTNUM	1949, Ch. 868	11	Licensed attorney.
		11	Graduate of law school with an LLB.
		11	15 or more years experience in law practice.
		11	Oath--same as for Chancery and Circuit Courts.
		12	May practice law except: a. may practice law in other courts of the state so long as their activities do not interfere with the performance of their duties as Judge of Sessions Court, provided they shall not render any legal services to any person in connection with any matter within the jurisdiction of the General Sessions Court.
		13	Term--4 years.
RHEA	1959, Ch. 347	11	30 years of age.
		11	Admitted to practice before Circuit and Chancery Courts of Rhea County.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		11	Graduate of law school with LLB.
		11	Must be an attorney.
		11	Learned in the law. (All above except age indicates definition of learned in the law according to this act.)
		11	Term--8 years.
		12	May not practice law in any court in the State except: a. Judge permitted to draw deeds, contracts, and wills, and draw other such instruments, abstract titles, and do other such practice work but shall not do adjusting of damage claims or any other such work where the matter is likely to result in Court action.
		12	Said judge shall devote full time to the duties of General Sessions Judge.
		13	Oath--same as for Chancery and Circuit Courts.
		13	Term--8 years.
ROANE	1959, Ch. 77	15	Same as for inferior courts.
		15	Oath--same as for Chancery and Circuit Courts.
		15	Resident of Roane County.
		15	May practice law except: a. not in Roane County Sessions Court.
ROBERTSON	1955, Ch. 140	7	Same as for inferior courts.
		7	Oath--same as for Chancery and Circuit Courts.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		8	May not practice law.
		9	Term--8 years.
RUTHERFORD	1947, Ch. 384	12	Term--4 years unless: a. Court held to be an inferior court at which time the term shall be increased to 8 years.
		20	May practice law in Chancery, Circuit, County, and Appellate Courts of Tennessee except: a. may not handle cases having their originality in the Rutherford County Sessions Court.
SCOTT	1951, Ch. 657	9	Same as for inferior courts.
		9	Oath--same as for Chancery and Circuit Courts.
		9	Resident of Scott County.
		11	Term--8 years.
		*	Does not state if judge may practice law or not.
SHELBY	1941, Ch. 123	8	Same as for inferior courts.
		8	Oath--same as for Chancery and Circuit Courts.
		9	May not practice law.
		10	Term--8 years.
SMITH	1959, Ch. 34	8	Same as for inferior courts.
		8	Oath--same as for Chancery and Circuit Courts.
		9	May not practice law.
		10	Term--8 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
SULLIVAN	1947, Ch. 349	15	Licensed to practice law in Tennessee.
		15	Good moral character.
		15	Oath--same as for Chancery and Circuit Courts.
		16	May not practice law.
		17	Resident and practicing attorney of Sullivan County.
		17	Citizen of Sullivan County.
		18	Term--8 years.
SUMNER	1949, Ch. 481	8	Same as for inferior courts.
		8	Oath--same as for Chancery and Circuit Courts.
		8	Term--8 years.
		9	May not practice law except: a. may act as judge of the City Court of Gallatin, Tennessee, under any contract made by the said city with the County of Sumner.
TIPTON	1951, Ch. 193	7	Same as for inferior courts.
		7	Oath--same as for Chancery and Circuit Courts.
		7	Term--8 years.
		7	Licensed attorney actively engaged in the practice of law.
		7	Not eligible unless licensed to practice law in Tennessee.
		8	May practice law in Chancery, Circuit County and Appellate Courts ot Tennessee, except:

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
			a. May not participate in cases having their origin in the Tipton County Sessions Court.
TROUSDALE	1939, Ch. 390	7	Same as for inferior courts.
		7	Graduate of a recognized law school.
		7	Licensed attorney of Tennessee.
		7	Oath--same as for Chancery and Circuit Courts.
		8	May practice law in other courts of the State except: a. provided this activity does not interfere with his duties as judge of the General Sessions Court. b. shall not give advice nor render any legal services in connection with cases coming within the jurisdiction of his court.
		9	Term--9 years.
WARREN	1941, Ch. 91	7	Same as for inferior courts.
		7	Oath--same as for Chancery and Circuit Courts.
		8	May practice law in other courts of the State except: a. may not practice in his court.
		9	Term--2 years.
WASHINGTON	1955, Ch. 165	8	Citizen and resident of Washington County for 5 years before election or appointment.
		10	May not practice law.
		9	Term--8 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
WEAKLEY	1955, Ch. 357	11	Same as for inferior courts.
		11	Oath--same as for Chancery and Circuit Courts.
		11	Licensed to practice law and actively engaged in the practice of law.
		13	Term--8 years.
WHITE	1953, Ch. 35	15	Licensed attorney of Tennessee.
		15	Resident of White County.
		15	Oath--same as for Chancery and Circuit Courts.
		15	May practice law in all courts except: a. White Sessions Court.
		17	Term--8 years.
WILLIAMSON	1939, Ch. 424	7	Same as for inferior courts.
		7	Oath--same as Chancery and Circuit Courts.
		9	Term--8 years.
		*	Does not state if judge may practice law or not.
WILSON	1945, Ch. 34	7	Same as for inferior courts.
		7	Oath--same as Chancery and Circuit Courts.
		7	Licensed to practice law in Tennessee.
		9	Term--8 years.

COUNTY	ORIGINAL PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		7	May not accept employment as an attorney or counsel in any case or lawsuit originating in his court or any lawsuit originating in Wilson County of which said Court of General Sessions is given jurisdiction to try by this act or any other. a. said judge may accept employment in all cases which do not originate where sessions court has jurisdiction . . . his court.

AMENDMENTS

COUNTY	AMENDING PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
ANDERSON	NONE		
BEDFORD	NONE		
BLEDSOE	1943, Ch. 129	4	Same as for inferior courts.
		4	Oath--same as for Chancery and Circuit Courts.
		4	Term--same as for inferior courts.
		4	Licensed to practice law and actively practicing law.
		5	5 or 6 years of practice requirement eliminated.
BLOUNT	1949, Ch. 324		Licensed in law. Admitted to practice before the Tennessee Supreme Court. May not practice law in Blount County Sessions Court or try matters originating in said court. May practice law otherwise. Term--8 years.
	1957, Ch. 227	1	Term--8 years.
BRADLEY	1959, Ch. 275	2	May not practice law in any matter wherein: a. the Court of General Sessions has original, concurrent, or exclusive jurisdiction of said case. b. in the event said judge becomes associated with any other attorney in the practice of law said prohibition shall extend to the entire firm or association.

COUNTY	AMENDING PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
	1965, Ch.	1	Same as for Chancery and Circuit Courts.
		1	Oath--same as for Chancery and Circuit Courts.
		1	Term--same as for Chancery and Circuit Courts.
		1	Same restrictions on practicing law as for Chancery and Circuit Courts.
		1	May not hold any other office (official) or position either with the State of Tennessee or any other governmental agency.
CAMPBELL	1967, Ch. 213	1	May not appear as counsel or represent any litigant in any of the courts of this State. But--may practice law without any other restrictions.
CARTER	NONE		
CHESTER	NONE		
CLAIBORNE	NONE		
CLAY	1963, Ch. 227	1	Does not have to be a practicing attorney, duly licensed under the laws of this state.
COCKE	NONE		
COFFEE	NONE		
CROCKETT	NONE		
DAVIDSON	NONE		
DEKALB	1963, Ch. 83	10	Eliminates all qualifications stated in Private Act for 1949, Ch. 727, sec. 10.

COUNTY	AMENDING PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
		10	Resident of DeKalb County.
		10	Oath--same as for Chancery and Circuit Courts.
		10	May practice law and may practice in other courts except: a. may not practice in his court.
DICKSON	1965, Ch. 269	1	Term--8 years.
GIBSON	NONE		
GILES	NONE		
GREENE	NONE		
HAMBLEN	NONE		
HAMILTON	NONE		
HARDIN	NONE		
HAWKINS	NONE		
HENDERSON	NONE		
HENRY	NONE		
HICKMAN	NONE		
JACKSON	NONE		
JEFFERSON	1965, Ch. 183	1	Eliminate sec. 9, Private Act of 1959, Ch. 68.
		1	Same as Chancery and Circuit Courts.
		1	Oath--same as for Chancery and Circuit Courts.
		1	Term--same as for Chancery and Circuit Courts.
		1	Does not have to be learned in the law or authorized to practice law in the Courts of Tennessee.

COUNTY	AMENDING PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
KNOX	NONE		
LAWRENCE	NONE		
LEWIS	NONE		
LINCOLN	1953, Ch. 550	1	Term--8 years.
	1961, Ch. 303		Substitute "licensed in law" for "learned in the law."
LOUDON	NONE		
MCMINN	NONE		
MACON	NONE		
MADISON	NONE		
MARSHALL	NONE		
MAURY	1951, Ch. 98	1	May practice law except: a. in all matters except in cases having their original in the Maury County Sessions Court.
	1953, Ch. 554	7	Term--8 years.
	1955, Ch. 207	2	May practice law in all courts except: a. may not participate in cases originating in Maury Sessions Court and including Federal Courts in Maury County.
MONTGOMERY	NONE		
OBION	NONE		
PUTNUM	1949, Ch. 451	2	Does not have to be licensed attorney or admitted to practice law before the Tennessee Supreme Court.
RHEA	NONE		
ROANE	NONE		

COUNTY	AMENDING PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
ROBERTSON	NONE		
RUTHERFORD	NONE		
SCOTT	NONE		
SHELBY	1953, Ch. 308	1	May not practice law.
SMITH	NONE		
SULLIVAN	NONE		
SUMNER	NONE		
TIPTON	NONE		
TROUSDALE	1945, Ch. 10	1	Must be graduate of a recognized law school and a regular licensed attorney of Tennessee.
WARREN	1945, Ch. 126	1	May practice law in other courts provided: a. he may not render any legal advice or counsel nor render any legal service to any person in connection with any matter within the jurisdiction of the General Sessions Court.
	1949, Ch. 54	1	Licensed to practice law.
		1	Admitted to practice in a court of record.
		1	Actively engaged in practice for 5 years before his election.
		1	Oath--same as for Chancery and Circuit Courts.
		1	Term--same as for inferior courts.
WASHINGTON	NONE		
WEAKLEY	NONE		

COUNTY	AMENDING PRIVATE ACT	SEC.	JUDICIAL QUALIFICATIONS AND TERM
WHITE	NONE		
WILLIAMSON	1957, Ch. 186	2	May not practice law in any court located in Williamson County or any other court in Tennessee including the Federal Courts.
WILSON	NONE		

VITA

James Clinton Easton was born in Haverhill, Massachusetts, on May 28, 1943. He attended elementary schools in Groton, Connecticut, and Baltimore, Maryland, and was graduated from Cranford High School, Cranford, New Jersey, in 1962. The following September he entered Tennessee Weslyan College and in September, 1964 transferred to The University of Tennessee. In June of 1967, he received his Bachelor of Science Degree from The University of Tennessee. He began graduate work in Political Science in 1968, while employed as a full-time staff member of the Housing Office of The University of Tennessee.

In January, 1972, he moved to Washington to join the staff of Congressman John J. Duncan as Legislative Assistant. During this time, Mr. Easton was involved in the drafting of the General Revenue Sharing Law as well as other legislation within the jurisdiction of the House Ways and Means Committee.

In February of 1973, Mr. Easton returned to Knoxville to assume his present duties as Executive Assistant to the Mayor of Knoxville. He received his Master of Arts degree in Political Science from The University of Tennessee in March of 1975.

He is married to the former Andrea Cheryle Hickey of Knoxville, Tennessee.