

**STATE OF TENNESSEE**  
OFFICE OF THE  
**ATTORNEY GENERAL**  
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March 21, 2005

Opinion No. 05-026

Appointment of General Sessions Court Officers

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**QUESTION**

Which government authority is responsible for appointing the court officers for the general sessions courts in the State of Tennessee?

**OPINION**

Except in a municipality with a metropolitan form of government and a population of more than 450,000, the general rule is that the sheriff has the duty to appoint court officers for general sessions courts.

**ANALYSIS**

In most counties, the sheriff appoints persons to serve as court officers for courts of general sessions. Tenn. Code Ann. § 16-15-715 states in full as follows: “The sheriff shall, unless otherwise provided, provide sufficient bailiffs to serve the general sessions courts.” For these purposes, the terms “bailiff” and “court officer” may be used interchangeably. *See Bozeman v. Barker*, 571 S.W.2d 279, 280 (Tenn. 1978); Op. Tenn. Att’y Gen. 99-211 (October 20, 1999).

In addition, Tenn. Code Ann. § 8-8-201(a)(2) states that, with the exception of certain municipalities, “[i]t is the sheriff’s duty to attend upon all the courts held in the county when in session.” (Emphasis supplied). To perform this duty, the sheriff may appoint deputies to attend the various courts, *i.e.*, be court officers. *See Bozeman*, 571 S.W.2d at 280. In the exempted municipalities, trial judges appoint their court officers. Tenn. Code Ann. § 8-8-201(a)(2)(B).<sup>1</sup>

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<sup>1</sup> Tenn. Code Ann. § 8-8-201(a)(2)(B) excepts municipalities with a metropolitan form of government and a population of more than four hundred fifty thousand (450,000) and states that, in those municipalities, trial judges appoint their court officers. The Davidson County-Nashville Metropolitan Government charter authorizes general sessions judges to appoint their court officers, thus including them in the term “trial judges.” Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee Charter, § 14.24. While general sessions courts are not “trial courts of record,” they do try and dispose of cases within their jurisdiction. *See* Tenn. Code Ann. § 16-15-404 (authority to “try any cause”); *Ware v. Meharry Medical College*, 898 S.W.2d 181, 183 (Tenn. 1995) (general sessions courts are not trial courts of record). Thus, as trial judges under a metropolitan form of government, the general sessions judges, not the sheriff, appoint the court officers.

Thus, the sheriff has the duty to appoint court officers for general sessions courts, except in municipalities having a metropolitan form of government and a population of more than four hundred fifty thousand (450,000).<sup>2</sup>

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Requested by:

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<sup>2</sup> You mentioned in your request that there may be another exception, but we have not located one. Tenn. Code Ann. § 8-8-201 previously had a second, very limited exception, but the General Assembly eliminated it when they passed 2004 Tenn. Pub. Acts, ch. 669.