January 5, 2005

Mrs. Betty Cotton, City Recorder  
City of Caryville  
P.O. Box 308  
Caryville, Tennessee 37714

Re: Municipal Court Reform Act of 2004

Dear Mrs. Cotton

This letter is in response to your questions about the requirements of the “Municipal Court Reform Act of 2004” as it pertains to your city court, which does not now exercise concurrent general sessions court jurisdiction.

The new Court Reform Act provides for a state litigation tax of $13.75, which must be collected by the city and be forwarded to the state. The state will provide new forms for your court clerk. In addition to the state litigation tax, the city may charge a local litigation tax of up to $13.75 and retain it in the city’s general fund.

The Act requires that $1.00 of the municipal court cost be forwarded to the state treasurer for defraying the director’s expense in providing training and continuing education courses for municipal court judges and municipal court clerks. This is not a part of the litigation tax.

Although the Act does not require that you change your present court cost, except for the addition of the $1.00 expense for training, the city council should approve municipal court costs. One way to do this is to divide the total number of court cases estimated for the year into the municipal court budget. This should establish a reasonable method of determining actual court costs. Be sure to include all cost associated with the court system such as salaries, insurance and benefits, training, supplies, building rent or cost, utilities, telephone, computers, and other costs.

Should your city ever consider adopting concurrent general sessions court jurisdiction, there are special requirements outlined in the Municipal Court Reform Act of 2004.

The Act requires that you certify the election, appointment or designation of the municipal court clerk and that the municipal judge and the court clerk each calendar year attend at least three (3) hours of training or continuing education courses provided by, through or with approval of the Administrative Office of the Courts and that you certify such attendance to the administrative director. The municipal judge and court clerk shall be compensated and reimbursed for attending required training and continuing education in accordance with the travel policy of the municipality. If the judge fails to timely
comply with the requirements for training after the time permitted and a grace period, all subsequent judgments of the judge shall be null and void, and of no effect, until such time the requirements are met. The Administrative Officer of the Court is Cornelia Clark, 511 Union Street, Suite 600, Nashville, Tennessee 37219. She may be reached at 1-800-448-7970 or 1-615-741-2687.

The Act creates the Tennessee Municipal Judges Conference, which shall be the official organization of municipal judges in Tennessee. Each member shall be compensated for the actual expenses in attending the annual meeting. Expenses shall be paid from the city’s fund upon a verified statement of expenses being filed with the chief administrative officer of the city.

The litigation tax for parking violations, with the exception of parking in handicapped spaces, shall be limited to one dollar ($1.00). All other state litigation taxes shall be $13.75. The city may charge a local litigation tax as previously outlined.

The required training programs have not been developed as of this date.

Cities having a population of ten thousand (10,000) or less must exercise the authority conferred by this Act in full compliance with rules promulgated by the commissioner of safety to regulate enforcement of §55-8-1-101, 55-8-180 and 55-10-101, and 55-10-310 on the portions of any highway designated and known as part of the national system of interstate and defense highways lying within the territorial limits of such municipalities. The Chief of Police should notify the State Safety Commissioner that the city intends to enforce traffic regulations on the interstate highway in conformance with the Commissioner’s policies. Policies include a pursuit policy in conformance with the policy adopted by the Tennessee Department of Safety and other policies.

Although the effective date of this Act is March 1, 2005, there is some flexibility in that most of the provisions may be accomplished during some part of the calendar year. I recommend that you charge the appropriate litigation taxes and court costs as outlined herein by March 1, 2005 and review the requirements with the city attorney and the city judge.

Please call me if you have questions or comments.

Sincerely

Ron Darden
Municipal Management Consultant