

## Judges

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Judges

**Reference Number:** MTAS-95

### ***Training of City Judges and Court Clerks***

City judges and city court clerks must receive three hours of training each year provided through or with approval of the Administrative Office of the Courts. Failure of the judge to receive the training after a six-month grace period renders his/her judgments null and void. Both judges and clerks must be compensated and reimbursed for the training in accordance with the municipality's travel policy. T.C.A. § 16-18-309. The Administrative Office of the Courts and the Department of Safety must also provide annual training to court clerks on the necessity and importance of preparing and forwarding to the Department of Safety the abstract forms for conviction of traffic violations. T.C.A. § 55-10-306(f).

### ***Concurrent Holding of Other Offices by Judge***

The municipal judge may not hold any other office, such as city recorder or mayor, with the municipality. Judges holding other offices on March 1, 2005, who are recorders or mayors or another city official, are grandfathered. T.C.A. § 16-18-308.

### ***Sitting by Interchange***

T.C.A. §16-18-312 allows municipal court judges and general sessions court judges to sit by interchange for other municipal court judges.

### ***Tennessee Municipal Judges Conference***

Each municipal judge is a member of the Tennessee Municipal Judges Conference and must attend its annual meeting unless physically incapable. The AOC shall pay expenses, subject to available funding. Otherwise, the municipality is responsible for paying expenses. T.C.A. § 17-3-301(d). <sup>[1]</sup>

### ***Other Provisions***

City judges in cities with a population of more than 160,000 must be lawyers authorized to practice law in Tennessee courts. T.C.A. § 17-1-106(d). City judges in general law modified city manager-council cities also are required to be licensed attorneys. T.C.A. § 6-33-102(a). All municipal judges are under the jurisdiction of the Board of Judicial Conduct. T.C.A. §§ 17-5-102 and 17-5-201. T.C.A. § 16-18-303 empowers municipal court judges to administer oaths.

Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, warrant, traffic citation or other legal form of traffic charge deposited with or presented to the court or the traffic violations bureau of its jurisdiction, and shall keep a record of every official action by the court or the traffic violations bureau of its jurisdiction in reference thereto, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every traffic complaint, warrant, or citation deposited with or presented to the court or traffic violations bureau. T.C.A. § 55-10-306(a).

### ***Administrative Inspection Warrants***

Municipal judges, who are lawyers, may issue administrative inspection warrants. See, T.C.A. § 68-120-117. <sup>[2]</sup>

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<sup>[1]</sup> In 2018, T.C.A. §17-3-301(d) was amended under Public Chapter 620 (2018, eff. 4/2/18).

<sup>[2]</sup> T.C.A. § 68-120-117 (a)(3)(C) specifies that an issuing officer means, "Any municipal court having jurisdiction over the agency making application for an administrative inspection warrant; provided, that the judge of the court is licensed to practice law in the state of Tennessee."

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