

**STATE OF TENNESSEE**

OFFICE OF THE  
**ATTORNEY GENERAL**  
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May 3, 2005

Opinion No. 05-072

Sessions of the Chancery and Circuit Courts of the 1st Judicial District

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**QUESTIONS**

An 1891 private act requires the Circuit and Chancery Courts of the 1st Judicial District to hold court in Johnson City, Tennessee, as well as Jonesboro, Tennessee. But the current statutory scheme establishing judicial districts, which was enacted in 1984, does not contain such a requirement.

1. Are the Circuit and Chancery Courts of the 1st Judicial District required to hold court in Johnson City?
2. If the answer to Question 1 is no, may the county commission require that these courts hold sessions in Johnson City?
3. Which law now controls?

**OPINIONS**

1. In Washington County, the Chancery Court must meet in Jonesboro and Johnson City; the Circuit Court must meet in Jonesboro and in Johnson City; and the Criminal Court must meet in Jonesboro.
2. Since the Circuit and Chancery Courts must meet in both cities, Question 2 is moot.
3. The applicable laws are Tenn. Code Ann. § 16-2-201 and Tenn. Code Ann. § 16-2-301 to the extent those statutes divided the Circuit and Chancery Courts into parts and divisions, as well as Tenn. Code Ann. §§ 16-2-501, *et seq.*

**ANALYSIS**

This opinion concerns the statutes governing where the Circuit and Chancery Courts of the 1st Judicial District are required to meet in Washington County. The request cites an 1891 private act requiring these courts to meet in Johnson City as well as in Jonesboro, the county seat. The compilation of private acts relating to Washington County compiled by the County Technical

Assistance Service lists an 1891 private act and an 1891 public act, along with a series of other acts that are no longer effective, with regard to Circuit and Chancery Courts in Washington County.

We think the 1891 private act has long since been superseded by later general acts governing courts in the 1st Judicial District. Research indicates that the general law that laid out judicial districts in 1931 required Chancery and Circuit Courts to meet in Johnson City and in Jonesboro. 1931 Tenn. Pub. Acts Ch. 38, § 1. In 1980, the applicable statutes contained the same requirement. Tenn. Code Ann. § 16-2-201 (Tenn. Code Ann. 1980) (Circuit and Criminal Court); Tenn. Code Ann. § 16-2-301 (Tenn. Code Ann. 1980) (Chancery Court). With regard to Circuit and Criminal Courts in Washington County, Tenn. Code Ann. § 16-2-201 provided:

First judicial circuit — Criminal court. — (a) Circuit court for the first judicial circuit shall be held in Parts I and II at the times mentioned as follows:

(1) Washington County — at Jonesboro — First Mondays in February, June and October; at Johnson City — First Mondays in March, July and November.

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(b) The criminal court for the first judicial circuit shall be held at the times and places mentioned as follows:

(1) Washington County — at Jonesboro — the second Mondays in January, May and September.

Tenn. Code Ann. § 16-2-201 (1980). With regard to Chancery Court in Washington County, the statute provided:

First chancery division. — Chancery court for the first chancery division shall be held at the times mentioned as follows:

(1) Washington County — at Johnson City — First Mondays in April and October; at Jonesboro — Second Mondays in April and October.

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(5) Sullivan County — at Bristol — (Part 1) First Mondays in June and December — (Part 2) First Mondays in April and October; at Blountville — (Part 1) First Mondays in May and November — (Part 2) First Mondays in January and September; at Kingsport — (Part 1) Third Mondays in April and October — (Part 2) Fourth Mondays in February and June.

Tenn. Code Ann. § 16-2-301 (1980). In 1984, the General Assembly passed an act redistricting the trial court system. 1984 Tenn. Pub. Acts Ch. 931. Section 15 of this act provides:

Tennessee Code Annotated, Section 16-2-106 through 16-2-402, are repealed *except insofar as such sections divide existing circuit, criminal or chancery courts into parts or divisions*. It is the intent of the General Assembly to create new judicial districts in accordance with Section 6 of this act but to retain and continue the existing parts or division of such courts as they are set out in such sections.

(Emphasis added). Tenn. Code Ann. § 16-2-510(a) provides that “[c]ourt shall be held within each judicial district at such times and on such dates as the judges thereof shall fix by rule. Court shall be held in each county within the district as often as is necessary to dispose of the business of the court.” Reading these statutes together, it appears that the 1984 act repealed Tenn. Code Ann. §§ 16-2-201 and -301 to the extent those statutes required the Circuit, Criminal, and Chancery Courts of the 1st Judicial District to meet at the particular times listed, but retained the different parts and divisions of the different courts set out in these statutes. Thus, in Washington County, the Circuit Court must meet in Jonesboro and in Johnson City; the Criminal Court must meet in Jonesboro; and the Chancery Court must meet in Jonesboro and Johnson City. Local Rule 2 for the First Judicial District reflects this arrangement.

The next question is, assuming the answer to Question 1 is no, whether the county commission may require the Chancery and Circuit Courts to meet in Johnson City as well as in Jonesboro. Since the Circuit and Chancery Courts must meet in both cities, Question 2 is moot.

The last question is which law — the 1891 private act or the 1984 general law — controls with regard to where Chancery and Circuit Courts of the 1st Judicial District must meet. As discussed above, the 1891 private act has been repealed by subsequent general laws. The applicable laws are Tenn. Code Ann. § 16-2-201 and Tenn. Code Ann. § 16-2-301 to the extent those statutes divided the circuit and chancery courts into parts and divisions; and Tenn. Code Ann. §§ 16-2-501, *et seq.*

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