

STATE OF TENNESSEE

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Opinion No. 02-074

Interchange between General Sessions Judge and Chancellor by Private Act

QUESTION

May a private act constitutionally authorize a general sessions judge to interchange with a chancellor?

OPINION

Absent a rational basis for suspending the general law with regard to interchange in the particular county, such an act would violate Article XI, Section 8 of the Tennessee Constitution. Accordingly, a private act proposing to grant such interchange authority in a particular county should articulate the reasons why such authority is necessary or convenient to the operation of the judicial system in the affected county.

ANALYSIS

This opinion addresses the constitutionality of a proposed private act that would authorize the General Sessions Judge of Haywood County to interchange with the Chancellor on request. Under general statutes, each state trial court judge has the duty to interchange with other state trial court judges under four specific circumstances. Tenn. Code Ann. § 17-2-202. Section 17-2-209 authorizes a circuit court judge or chancellor to designate a general sessions judge to sit by interchange in uncontested and irreconcilable divorce cases. It is not clear whether this statute applies only in counties with a population of more than 700,000, or in all counties. General statutes also authorize judges of courts of general sessions and juvenile courts to interchange with each other whenever causes exist making an interchange necessary or for mutual convenience. Tenn. Code Ann. § 17-2-208. But the general laws do not authorize state trial court judges to interchange with general sessions judges, nor do they allow general sessions judges to interchange with trial judges outside of uncontested and irreconcilable divorce cases under Tenn. Code Ann. § 17-2-209. Article XI, Section 8 of the Tennessee Constitution provides in part:

The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals,

rights, privileges, immunitie, [immunities] or exemptions other than such as may be, by the same law extended to any member of the community, who may be able to bring himself within the provisions of such law.

This provision, Article I, Section 8 of the Tennessee Constitution, and the Fourteenth Amendment to the United States Constitution all guarantee to citizens equal protection of the laws, and the same rules are applied under them as to the validity of classifications made in legislative enactments. *Brown v. Campbell County Board of Education*, 915 S.W.2d 407, 412 (Tenn. 1995), *cert. denied*, 116 S.Ct. 1852 (1996). In order to trigger application of Article XI, Section 8, a statute must contravene some general law with mandatory statewide application. *Riggs v. Burson*, 941 S.W.2d 44, 78 (Tenn. 1997), *reh'g denied*, (1997), *cert. denied*, 118 S.Ct. 444 (1997). Ordinarily, unless a classification involves a suspect class or interferes with a fundamental right, it will be upheld under an equal protection analysis if there is a rational basis for the classification. Under rational basis scrutiny, a statutory classification will be upheld if “some reasonable basis can be found for the classification . . . or if any state of facts may reasonably be conceived to justify it.” *Riggs v. Burson*, 941 S.W.2d at 53, quoting *Tennessee Small School Systems v. McWherter*, 851 S.W.2d 139, 153 (Tenn. 1993).

It can be argued that there is no mandatory law of general applicability regarding the authority of a general sessions judge to interchange with a chancellor. Tenn. Code Ann. § 16-15-501, describing the general jurisdiction of general sessions judges, contains the following provision:

This chapter [Chapter 15 of Title 16] shall not diminish the powers, jurisdiction, or provisions governing the operation of any court of general sessions created by private act. It is the intent of the general assembly that each court of general sessions of this state has all the powers and jurisdiction granted by the public acts *and applicable private acts*.

Tenn. Code Ann. § 16-15-501(c)(2)(emphasis added). But general law governing state trial court judges, including chancellors, does not permit them to interchange with general sessions judges. Moreover, the general laws governing interchange appear in Title 17, not in Title 16, Chapter 15. The private act submitted with the request states that “[t]he General Sessions Court of Haywood County, Tennessee, shall have authority to interchange with the Chancellor upon request.” We think a court would conclude that this act necessarily affects the authority of the chancellor to allow the general sessions judge to interchange. General law regarding the authority of state chancellors contains no such provision. For this reason, we think the proposed private act contravenes general law governing judicial interchange. Absent a rational basis for suspending the law in Haywood County, the law would violate Article XI, Section 8 of the Tennessee Constitution. Any proposed private act to authorize general sessions judges to interchange with chancellors in a particular county should, therefore, articulate the reason or reasons why such interchange authority is necessary or

convenient to the operation of the judicial system in the particular county affected.

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