



County Technical Assistance Service

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Duties-Clerks of Court

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 county 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 e-Li material.

Sincerely,

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Duties-Clerks of Court

Reference Number: CTAS-81

Clerks serve an important role in the operation of the Tennessee court system, a role that is outlined generally in Title 18 of the Tennessee Code Annotated. Some of the clerks' duties include the following:

1. Attending each court session with all the papers for the cases on the docket;
2. Administering oaths to parties and witnesses who testify;
3. Keeping minutes of the court in a well-bound book or in an electronic format so long as certain rules relating to the safekeeping of the records are followed;
4. Maintaining the rule docket and an execution docket in which all court judgments or decrees are entered in order of rendition and all receipts and disbursements in a case are entered;
5. Maintaining indexes for all books and dockets that are kept by the office; and
6. Investing funds pursuant to T.C.A. § 18-5-105.

T.C.A. §§ 18-5-102, 18-1-105.

The clerk must reside in the county where the court is held and maintain an office in the county seat. T.C.A. § 18-1-102.

General sessions clerks have duties similar to other court clerks:

1. Retaining, preserving, and filing in order all papers in civil cases;
2. Transmitting papers when an appeal has been taken to circuit court; and
3. Keeping in a well-bound book a docket of all judgments and executions, or storing such information in an electronic format in accordance with rules for the safekeeping of these records.

T.C.A. § 16-15-303.

Because court clerks deal with voluminous paperwork, the storage and retention of documents are important aspects of these offices, and it is extremely important that the records of the clerk's office be well organized and accurate. Clerks collect state and county litigation taxes, criminal injuries compensation tax in courts with criminal jurisdiction, county expense fees, and depending upon the particular court, funds for the impaired driver's trust fund, Tennessee Bureau of Investigation fees, misdemeanor jail per diems, fines, sheriff's fees, clerk's fees, witness fees and other items of court costs. Clerks prepare bills of costs in cases, account for these monies and make collection efforts when these amounts are unpaid. Clerks maintain a cash journal (general ledger) to account for and summarize the cash transactions of the office and issue receipts for all collections.

Clerks invest idle funds according to T.C.A. § 8-21-401, and often serve in a fiduciary capacity to invest funds held for third parties. Additionally, clerks and masters conduct delinquent tax sales, and clerks more generally may conduct sales of property ordered by the court. Clerks, depending upon the particular court, may collect support, including alimony and child support, pursuant to court order and the general law although the responsibility for collecting support in many cases has been transferred to a central state collecting agency. It is the official duty of each clerk of court to attend meetings of the state court clerks' conference unless the clerk is otherwise officially engaged or is unable to attend for good and sufficient reasons. T.C.A. § 18-1-501 *et seq.*

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