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State ex rel Byrge v. Yeager

Court of Appeals of Tennessee, at Knoxville - June 25, 2015 - Slip Copy - 2015 WL 3902052

Petitioners filed an action seeking to remove the respondent from the position of county law director of Anderson County pursuant to Tennessee's ouster law, found at Tennessee Code Annotated section 8-47-101. The respondent filed a motion to dismiss, which the trial court granted after concluding that the position of county law director is not a public office subject to the ouster law.

On appeal, the petitioners argued that the trial court erred in concluding that the position of county law director is not a public office. Because the county law director is subject to oversight by an advisory committee that may remove him or her at any time with the subsequent approval of the county legislature, the Court of Appeal affirmed the ruling of the trial court.

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