

State Trial Courts

CIRCUIT COURTS are courts of general jurisdiction in Tennessee. Circuit Court judges hear civil and criminal cases and appeals of decisions from Juvenile, Municipal and General Sessions Courts. The jurisdiction of Circuit Courts often overlaps that of the Chancery Courts. Criminal cases are tried in Circuit Court except in districts with separate Criminal Courts established by the General Assembly.

CHANCERY COURTS are a good example of the court system's English heritage. The traditional equity courts are based on the English system in which the chancellor acted as the "King's conscience." Chancellors may, by law and tradition, modify the application of strict legal rules

and adapt relief to the circumstances of individual cases.

CRIMINAL COURTS are established by the legislature to relieve Circuit Courts in areas with heavy caseloads. In addition to having jurisdiction over criminal cases, Criminal Court judges hear misdemeanor appeals from lower courts. In districts without Criminal Courts, criminal cases are handled at the trial level by Circuit Court judges.

PROBATE COURTS are created by the legislature and given jurisdiction over probate of wills and administration of estates. Probate judges also handle conservatorships and guardianships.

The Jury System

"That the right of trial by jury shall remain inviolate and no religious or political test shall ever be required as a qualification for jurors..."

Article I, Section VI, Tennessee Constitution

The Sixth Amendment to the United States Constitution also guarantees any citizen accused of a crime a speedy and public jury trial. A jury in Tennessee consists of 12 citizens selected from public records, such as voter registration, to make a decision based on facts in a case. State law regulates the right to a jury trial in civil -- or non-criminal -- cases, but in a criminal case where the accused could be imprisoned, there is an absolute right in Tennessee to a trial by jury. Juries are chosen from a "jury pool," selected at random to come to court for possible service. Lawyers for both sides and the judge may ask potential jurors questions during a process called "voir dire," a French term meaning "to speak the truth." The process is intended to ensure that jurors will be impartial and fair. Prospective jurors may be excused "for cause," such as conflict of interest or bias. Each side also may exercise a limited number of "peremptory challenges," and dismiss a potential juror without stating a reason. While there is a right to a trial by jury, there is no requirement that a defendant have a jury trial. In some cases, the accused asks for a "bench trial" in which the judge hears the case and renders a decision. In Tennessee, judges impose sentences on defendants found guilty by juries except in death penalty cases. Juries also impose fines over \$50 in criminal cases.