





# Tennessee Supreme Court

The **TENNESSEE SUPREME COURT** is the state's highest court and the court of last resort. The five justices may accept appeals of civil and criminal cases from lower state courts. They also interpret the laws and Constitutions of Tennessee and the United States.

The Supreme Court may assume jurisdiction over undecided cases in the Court of Appeals or Court of Criminal Appeals when there is special need for a speedy decision. The court also has appellate jurisdiction in cases involving state taxes, the right to hold public office and issues of constitutional law.

Attorneys may present oral arguments before the Supreme Court. Unlike trials in lower courts, there are no witnesses, juries or testimony in the Supreme Court, Court of Appeals and Court of Criminal Appeals.

After Supreme Court justices have heard oral arguments and reviewed the attorneys' written materials, or *briefs*, they issue written

decisions, known as *opinions*.

Tennessee Supreme Court opinions on constitutional issues can be appealed only to the federal courts, which may or may not agree to consider the appeals.

The court normally meets in Jackson, Knoxville and Nashville, as required by the state constitution.

Judges of the Supreme Court, Court of Appeals and Court of Criminal Appeals are elected on a "yes-no" ballot every eight years. When a vacancy occurs the 15-member Judicial Selection Commission interviews applicants and recommends three candidates to the governor, who appoints a new judge to serve until the next August general election.

By state law, judges on the three courts must be evaluated every eight years. Results of the evaluations are published in newspapers across the state to help voters decide whether the judges

## Intermediate Appellate Courts

The **COURT OF APPEALS**, created by the General Assembly in 1925, hears appeals in civil — or noncriminal — cases from trial courts and certain state boards and commissions.

The **COURT OF CRIMINAL APPEALS**, created by the legislature in 1967, hears trial court appeals in felony and misdemeanor cases, as well as post-conviction petitions.

State law requires the Court of Criminal Appeals to review all death sentences. If a capital case conviction and sentence are affirmed by the Court of Criminal Appeals, there is an automatic review by the state Supreme Court.

All other Court of Appeals and Court of Criminal Appeals decisions may be appealed, by permission, to the state Supreme Court

Each of the intermediate appellate courts has 12 members, who normally sit in panels of three in Jackson, Knoxville and Nashville. They may also meet in other places as necessary.

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**“The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior courts as the Legislature shall from time to time ordain and establish ....”**

*Article VI, Section I, Tennessee Constitution*

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# State Trial Courts

Circuit, Chancery and Criminal Court judges in each of the 31 judicial districts annually choose one judge from among them to be the presiding judge for the district. It is the duty of the presiding judge to promote orderly and efficient administration of justice within the district. Trial judges, who are elected to eight year terms, are authorized by statute to exercise jurisdiction in any trial court in the state.

**CIRCUIT COURTS** are courts of general jurisdiction in Tennessee. Circuit judges hear civil and criminal cases and appeals of decisions from City, 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.

**CRIMINAL COURTS** are established by the General Assembly in areas where they are justified by 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 by Circuit Court judges.

**CHANCERY COURTS** are a good example of the court system's English heritage. The equity courts are based on the English system in which the chancellor acted as the "King's conscience." Chancellors - as Chancery Court judges are known - may, by law and tradition, modify the application of strict legal rules and adapt relief to the circumstances of individual cases.

**PROBATE COURT** in Shelby County was created by the legislature and given jurisdiction over probate of wills and administration of estates. Probate judges also handle conservatorships and guardianships.

## Courts of Limited Jurisdiction

**GENERAL SESSIONS COURT** jurisdiction varies from county to county based on statutes and private acts enacted by the legislature. Every county is served by the court of limited jurisdiction, which hears civil and criminal cases, including matters formerly handled by justices of the peace. Civil jurisdiction of General Sessions Courts is restricted to specific monetary limits and types of actions. Criminal jurisdiction is limited to preliminary hearings in felony cases and trials of misdemeanor cases in which a defendant waives the right to a grand jury investigation and trial by jury in Circuit or Criminal Court. General Sessions judges also serve as juvenile judges in all counties except those in which the legislature has established a separate Juvenile Court. General Sessions judges must be attorneys, although non-attorney incumbent judges may continue in office until they retire or are defeated. The judges are elected to eight year terms.

**JUVENILE COURT** jurisdiction is vested in General Sessions Courts in all counties except those in which the law establishes special Juvenile Courts. Juvenile Courts have exclusive jurisdiction in proceedings involving minors alleged to be delinquent, unruly, dependent and neglected. Juvenile Courts also have concurrent jurisdiction with Circuit, Chancery and Probate Courts in some areas.

**MUNICIPAL COURT**, also known as city court, has jurisdiction in cases involving violations of city ordinances. Generally, a city judge has authority to assess fines up to \$50 and jail sentences up to 30 days. However, the jurisdiction varies widely from city to city.