

Tennessee Supreme Court



As required by the state Constitution, the five members of the Tennessee Supreme Court normally hear cases in Nashville, Jackson and Knoxville. Pictured in the courtroom at the Supreme Court building in Nashville are (from left to right) Justice Janice M. Holder, Justice William C. Koch, Jr., Chief Justice Cornelia A. Clark (seated), Justice Gary R. Wade, and Justice Sharon G. Lee. The Supreme Court sits “en banc,” or as a whole, rather than in smaller panels.

The **TENNESSEE SUPREME COURT** is the state’s highest court and the court of last resort. The five justices review civil and criminal cases appealed from lower state courts. They interpret the laws and constitutions of Tennessee and the United States.

The justices are appointed by the governor and then elected every eight years on a “yes-no” retention vote. They represent each of the state’s grand divisions – West, Middle and East Tennessee.

By constitutional mandate, the court normally meets in Nashville, Jackson and Memphis.

Under the 1992 Appellate Court Improvements Act, the Supreme Court may assume jurisdiction over undecided cases in the state Court of Appeals or Court of Criminal Appeals when there is a 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.

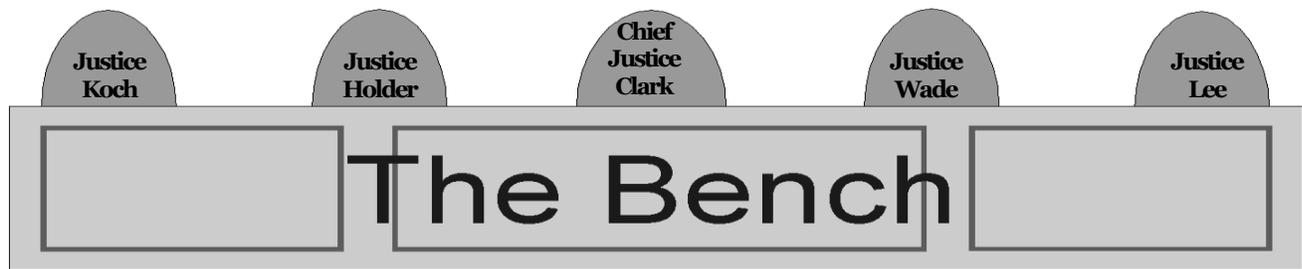
If requested, attorneys may present oral arguments before the Supreme Court. Unlike trials in lower courts, there are no witnesses, juries or testimony.

After the 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 federal constitutional issues can be appealed only to the United States Supreme Court, which may or may not agree to consider the appeal.

“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



Chief Justice Cornelia A. Clark

Born September 15, 1950, Franklin, TN; B.A. Vanderbilt University, 1971; M.A.T. Harvard University, 1972; J.D. Vanderbilt School of Law, 1979; Director, Tennessee Administrative Office of the Courts, May 1999-September 2005; Circuit Judge, 21st Judicial District, 1989-1999; private practice, Farris, Warfield & Kanaday 1979-1989; Former member, Board of Directors, Lawyers Association for Women, Marion Griffin Chapter; Tennessee Lawyers' Association for Women; Second Vice President, Nashville Bar Association; 2004-05 member ABA Commission on the American Jury; faculty member, American Institute for Justice, Inc.; former adjunct professor, Vanderbilt University School of Law; member, Williamson County, Tennessee and American Bar Associations, American Judicature Society; Fellow of the Tennessee (former Board chair), American and Nashville Bar Foundations; United Methodist Publishing House Board; Vanderbilt Law School National Council; 2005 Liberty Bell Award recipient by the Williamson County Bar Association; named 2010 Appellate Judge of the Year by Tennessee Chapter of the American Board of Trial Advocates; 2010 inductee of Nashville YWCA Academy for Women of Achievement. Appointed to Supreme Court September 2005; Became Chief Justice September 1, 2010.

Justice Janice M. Holder

Born August 29, 1949, Canonsburg, PA; B.S. summa cum laude University of Pittsburgh 1971; J.D. Duquesne University School of Law 1975 and Recent Decisions Editor Duquesne Law Review 1974-75; senior law clerk to Herbert P. Sorg, Chief Judge, U.S. District Court, Western District of Pennsylvania 1975-77; practiced law 1977-90; editor Memphis Bar Forum 1987-91; chair Tennessee Bar Association Commission on Women and Minorities 1994-96; trustee Tennessee Bar Foundation 1995-97; Master of the Bench, Leo Bearman, Sr. American Inn of Court 1995-97, Emeritus 2005-present; recipient of Memphis Bar Association's Sam A. Myar Award for Outstanding Service to the Legal Profession and the Community 1990, Charles O. Rond Outstanding Jurist Award 1992, Divorce and Family Law Section Judge of the Year Award 1992, Association for Women Attorneys Marion Griffin-Frances Loring Award 1999, and was honored by the National Association of Women Judges as one of the Women Leaders of State Courts 2007; member American, Tennessee, and Memphis Bar Associations and founding member Tennessee Lawyers' Association for Women; elected Circuit Court judge for the 30th Judicial District in Memphis 1990; appointed to Supreme Court of Tennessee December 1996; elected August 1998 and 2006.

Justice Gary R. Wade

Born May 31, 1948, Knox County, TN. Married; three children; four grandchildren; Methodist; B.S. University of Tennessee, 1970; J. D. University of Tennessee College of Law, 1973; private practice of law 1973-87; University of Tennessee College of Law Dean's Circle; Tennessee Bar Association, past member House of Delegates and Board of Governors; American Bar Association, Convention Delegate; Tennessee Trial Lawyers Association; Tennessee Association of Criminal Defense Lawyers; American Inns of Court; fellow, Tennessee Bar Foundation; Tennessee Judicial Conference, past president; Eta South Province, Phi Delta Theta Fraternity, past president; Mountain Press Mover and Shaker of the Year 1983-85 and 1997; Gary R. Wade Boulevard, 1987; mayor, City of Sevierville, 1977-87; Friends of the Great Smoky Mountains National Park, co-founder, past president, and chair emeritus; Citizen of the Year, Sevierville Chamber of Commerce, 2004; Appellate Judge of the Year, American Board of Trial Advocates, 2004; Legion of Honor, Phi Delta Theta International Fraternity, 2004; Judicial Excellence Award, Knoxville Bar Association, 2004; Garden Club of America Conservation Award, 2005; appointed to Tennessee Court of Criminal Appeals, 1987; elected 1988; reelected 1990 and 1998; served as presiding judge, 1998-2006; appointed to Supreme Court September 2006; Power100, Business TN, 2007-2008.

Justice William C. Koch, Jr.

Born September 12, 1947, Honolulu, Hawaii; married; Episcopalian; B.A. Trinity College, 1969; J.D. Vanderbilt University School of Law, 1972; LL.M in Judicial Process University of Virginia School of Law, 1996; instructor in Constitutional Law, Nashville School of Law, 1997-present; adjunct instructor, Vanderbilt University School of Law, 1988-1995; Harry Phillips American Inn of Court, president 1990-1994 and 1995-present; American Inns of Court Foundation Board of Trustees, 2000-2008 board secretary, 2004-2008; American Bar Association, Appellate Judges Conference, Executive Committee, 2008-present; United Way of Metropolitan Nashville Board of Trustees, 1980-present; Community Foundation of Middle Tennessee Board of Trustees, 2005-present; Nashville, Tennessee, and American Bar Associations; Tennessee Appellate Judge of the Year, American Board of Trial Advocates, 2002; Nashville School of Law, Fourth-Year Instructor of the Year, 1998, 1999, 2001; Tennessee Supreme Court Advisory Commission on Technology, co-chair, 1997-2001; Tennessee Judicial Conference, Executive Committee, 1985-1988; Tennessee Judicial Conference, Committee on Compensation and Retirement, 1984-present, chair, 1990-2007; appointed by Governor Lamar Alexander to the Tennessee Court of Appeals, 1984; elected in 1984, 1988, 1990, 1998, and 2006; served as presiding judge of the Middle Section of the Tennessee Court of Appeals, 2004-2007; appointed by Governor Phil Bredesen to the Supreme Court of Tennessee June 2007.

Justice Sharon G. Lee

Born December 8, 1953, Knoxville, TN; a life-long resident of Monroe County; has two daughters and serves on the Board of Directors of the Boys and Girls Club of Monroe County; attended Vanderbilt University; graduated from the UT College of Business with high honors and the UT College of Law; private practice, Madisonville, TN, 1978-2004; member of the Tennessee Bar Association, serving in the House of Delegates; formerly a member of the Tennessee Trial Lawyer's Association; member and Director of the Tennessee Lawyers Association for Women; President of the East Tennessee Lawyers Association for Women; fellow of the Tennessee Bar Foundation; member of the Alumni Advisory Council for the UT College of Law; formerly an adjunct faculty member of the UT College of Law; member of the Executive Committee of the Tennessee Judicial Conference; formerly served as attorney for Monroe County, the Cities of Madisonville and Vonore; City Judge for Madisonville; awarded the Spotlight Award from the National Association of Women Judges, 2005; first woman to serve as a Judge on the Eastern Section of the Tennessee Court of Appeals, appointed June 2004, elected August 2004, re-elected 2006; appointed to the Supreme Court October 2, 2008.

Court of Appeals



Court of Appeals judges are (seated from left) David R. Farmer, Patricia J. Cottrell, Herschel P. Franks, Alan E. Highers, and Charles D. Susano, Jr. (standing from left) Holly M. Kirby, Richard H. Dinkins, Andy D. Bennett, John Westley McClarty, Frank G. Clement, Jr., D. Michael Swiney, and J. Steven Stafford.

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

The court has 12 members, who sit in panels of three in Jackson, Knoxville and Nashville. All decisions made by the Court of Appeals may be appealed, by permission, to the Tennessee Supreme Court.

No witnesses, juries or testimony are presented before the Court of Appeals. Instead, attorneys present oral and written arguments.

Court of Appeals judges are elected on a “yes-no” ballot every eight years. When a vacancy occurs on the intermediate appellate court, the 17-member Judicial

Nominating Commission interviews applicants and recommends three candidates to the governor, who appoints a new judge to serve until the next August general election.

As with judges on the Supreme Court and the Court of Criminal Appeals, the 12 members of the Court of Appeals must, by state law, be evaluated every eight years. Results of the evaluations are published in newspapers across the state to help voters decide whether the judges should be retained.

“The Constitution of the United States was made not merely for the generation that then existed, but for posterity – unlimited, undefined, endless, perpetual posterity.”

Senator Henry Clay

Court of Criminal Appeals



Court of Criminal Appeals judges are (seated from left) Thomas T. Woodall, David H. Welles, Joseph M. Tipton, Jerry L. Smith, and James Curwood Witt, Jr. (standing from left) D. Kelly Thomas, Jr., Robert W. Wedemeyer, Norma McGee Ogle, John Everett Williams, Alan E. Glenn, J.C. McLin, and Camille R. McMullen.

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.

The Tennessee General Assembly increased the membership of the court from nine to 12 on September 1, 1996. The members sit monthly in panels of three in Jackson, Knoxville and Nashville. They may also meet in other places as necessary.

All Court of Criminal Appeals decisions may be appealed to the state Supreme Court by permission, except in capital cases, which are appealed automatically.

No witnesses, juries or testimony are presented in the Court of Criminal Appeals. Instead, attorneys present oral and written arguments.

Court of Criminal Appeals judges serve eight-year terms. If a vacancy occurs on the court, the Judicial Nominating Commission recommends three candidates to the governor, who then appoints a new judge to serve until the next August general election.

Judges on the Court of Criminal Appeals may run for re-election without opposition. Incumbent judges are retained or rejected on a “yes-no” vote.

The word democracy comes from the Greek *demos*, meaning “the people,” and *kratia*, meaning “rule.”

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.

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) provides support services to the Tennessee Supreme Court and the entire state court system. The director, appointed by the Supreme Court, is administrative officer for the courts and oversees the AOC. Duties of the office include preparing the court system's annual budget; providing judicial education, law libraries, computers, other equipment, training and technical support for judges and other court personnel; assisting judges with case assignments; administering payroll accounts for the court system; conducting orientation for new judges; administering the official state criminal court reporters system; providing assistance to judicial committees; compiling data; and disbursing funds to court-appointed attorneys representing indigents.

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 a 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. About 253 Tennessee cities have Municipal Courts.

Clerks of the Appellate & Trial Courts

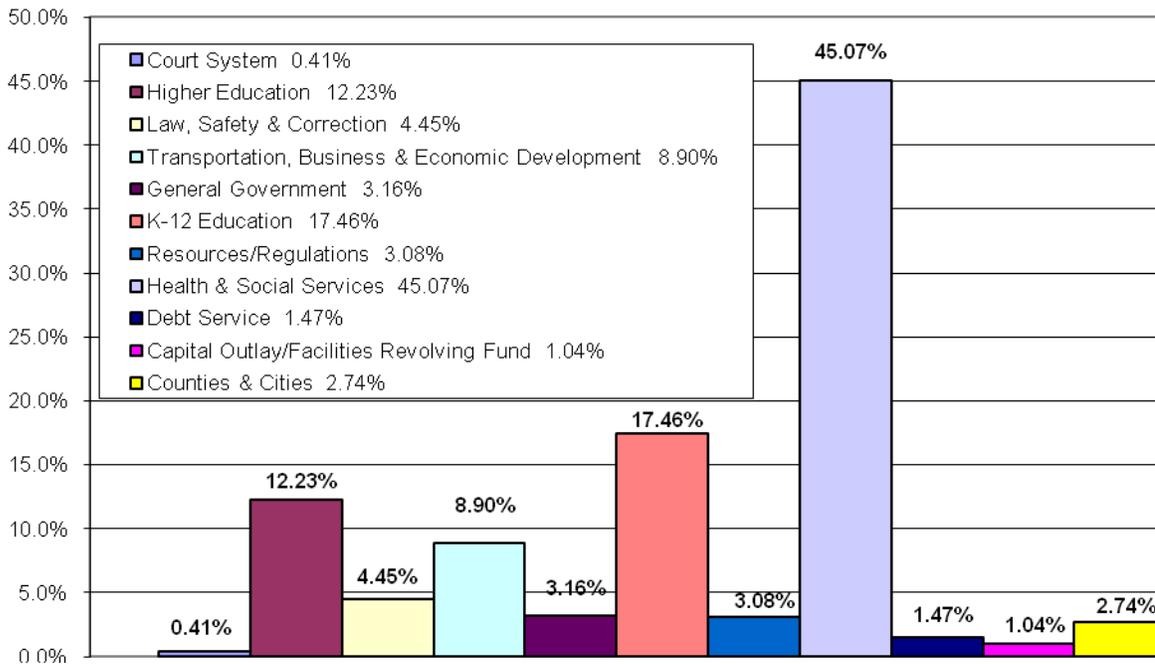
COURT CLERKS ensure the efficient operation of state courts by maintaining dockets and records, handling administrative matters and serving as goodwill ambassadors to the public.

The clerk of the appellate courts is appointed by the Supreme Court for a six-year term and is based in Nashville, the Middle Division. The appellate court clerk oversees the chief deputies and deputy clerks, who serve each grand division.

Circuit Court clerks, elected in each county for four-year terms, also serve as General Sessions Court clerks in counties without designated General Sessions Court clerks. Clerks also are elected in counties with Probate and Criminal Courts. Each Chancery Court is served by a clerk and master, who is appointed by the Chancery Court judge for a six-year term.

Appellate Court Clerk
 Mike Catalano
 Susan Turner, Chief Deputy Clerk, Western Division
 Janice Rawls, Chief Deputy Clerk, Middle Division
 Joann Newsome, Chief Deputy Clerk, Eastern Division

Total State Budget
 Fiscal Year 2009-10



Organization of the Federal Court System

The federal judicial branch of government is composed of the federal courts. The United States Supreme Court is the highest court in the federal system and has the last word on issues of federal law and the federal Constitution. The courts just below the U.S. Supreme Court, the intermediate federal courts, are known as circuit courts of appeal. There are 13 federal circuit courts in the country. Tennessee is within the jurisdiction of the Sixth Circuit Court of Appeals. Thus, federal cases originating in Tennessee are appealed to the Sixth Circuit Court of Appeals. The federal trial court in which federal lawsuits originate is the federal district court. Tennessee is divided into three federal districts -- western, middle and eastern.

Federal courts may constitutionally hear only two types of cases: cases involving a federal law question and cases involving citizens of two different states when the amount in dispute is greater than \$75,000.

