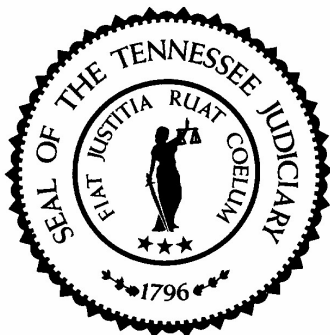




S.C.A.L.E.S.

The Supreme Court Advancing Legal
Education For Students





The scales have long been used to symbolize this careful balance of elements in the justice system and legal proceedings. There is a balance sought between the two parties to any case; between the rights of one accused and those of the state to pursue justice on behalf of its citizens.

There are two sides to every story. As you listen to the arguments today, think how you would balance what each party is sharing with the court.

COURT PROTOCOL

DO

- Dress appropriately.
- Remove hats before entering the courtroom.
- Enter the courtroom prior to the commencement of an argument.
- Stand when the justices enter and leave the courtroom.
- Listen attentively to courtroom proceedings.
- Address a member of the Supreme Court as “Justice” or “Chief Justice,” followed by the last name. All judges may be called “Your Honor.”

DO NOT

- Bring weapons of any kind to the courthouse. This includes pocketknives.
- Bring food, drinks, cameras, recorders or cell phones into the courtroom.
- Bring book bags, backpacks, or large purses into the courtroom.
- Enter or leave the courtroom during an argument.
- Chew gum or create any distraction in the courtroom.
- Engage in any conversation once an argument begins.
- Discuss the cases with members of the Supreme Court.

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TENNESSEE JUDICIAL SYSTEM

The **judicial branch**, one of the three basic divisions of state government, serves as a check on the powers of both the legislative and executive branches. Through the power of judicial review, the courts rule on the constitutionality of legislation passed by the Tennessee General Assembly and considers the legality of administrative policies and regulations.



The executive branch is led by the governor. In Tennessee, the governor's office is actually located in the statehouse and not the governor's mansion, shown above.



The Tennessee Statehouse, located in Nashville, is home to the legislature.



The Tennessee Supreme Court has buildings in Nashville (shown above), Knoxville, and Jackson.

Tennessee's judicial system is derived from a **constitutional foundation**: "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 1, Constitution of the State of Tennessee).

Although not a part of the court system, the offices of the attorney general, district attorneys general and district public defenders are associated with the judicial branch of state government.

The **attorney general** represents the interests of the state in civil litigation and in criminal cases in the appellate courts. The 31 **district attorneys** serve as prosecuting counsel in criminal cases in the trial courts.

Public defenders and court-appointed private attorneys represent indigent defendants, primarily in criminal cases.

The **Supreme Court** is the highest court in the state. The five justices are nominated by the Governor's Council for Judicial Appointments, appointed by the governor, confirmed by the General Assembly and subject to a retain/replace vote for eight-year terms. The majority of this court's workload consists of criminal and civil cases appealed from lower state courts.

The **intermediate appellate courts** -- the Court of Appeals and Court of Criminal Appeals -- hear civil and criminal cases appealed from the trial courts.

The state's **trial courts** include Chancery, Criminal, Circuit and Probate Courts. Judges in these courts are chosen by popular election within their judicial districts.

The fourth level of courts in Tennessee is composed of the **courts of limited jurisdiction** -- General Sessions, Juvenile and Municipal Courts. Their respective counties or municipalities fund these courts.



There are 31 judicial districts in Tennessee, some of which serve a single county and others that stretch from Kentucky to Alabama.

State Trial Courts

Tennessee's 95 counties are divided into 31 judicial districts. Within each district are Circuit Courts and Chancery Courts, as provided by the state constitution. Some districts also have legislatively established Criminal Courts and Probate Courts. Judges of these courts are elected to 8-year terms.

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.

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.

CHANCERY COURTS are a good example of the court system's English heritage, and are courts of "equity," hearing only civil cases. Chancery Courts handle a variety of issues including civil lawsuits, contract disputes, application for injunctions and name changes. A number of matters, such as divorces, adoptions, and workers' compensation, can be heard in either chancery or circuit court.

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.

TENNESSEE JUDICIAL SYSTEM

Courts of Limited Jurisdiction

GENERAL SESSIONS COURT jurisdiction varies from county to county in Tennessee, 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 that at one time were handled by local 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. 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.



County courthouses serve both state trial courts and courts of limited jurisdiction, as well as other county functions. Shown are the courthouses for Marshall, Davidson, and Grundy Counties.

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 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 indigent defendants.

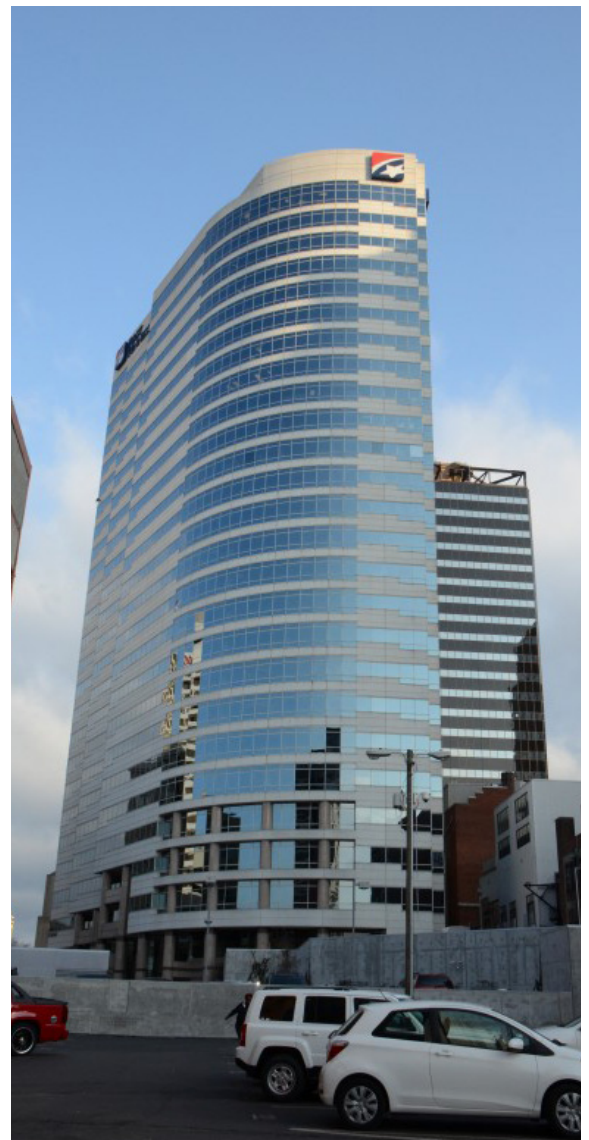
Court Clerks

COURT CLERKS insure the efficient operation of the 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 the 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.



The Administrative Office of the Courts is located in downtown Nashville, near the Tennessee Supreme Court building and the Tennessee Statehouse.

TENNESSEE JUDICIAL SYSTEM

Tennessee Supreme Court



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 judges are appointed by the governor, confirmed by the legislature, 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.

Tennessee Supreme Court Justices

Chief Justice Jeffrey S. Bivins

Born August 31, 1960, Kingsport, TN; Married; two children; Independent Christian; Graduate of Lynn View High School, 1978; B.A., East Tennessee State University, 1982; J.D. Vanderbilt University School of Law, 1986; private practice, Boulton, Cummings, Conners & Berry, Nashville, TN, 1986-95; 2001-2005; Assistant Commissioner and General Counsel, Tennessee Department of Personnel, 1996-1999, 2000-2001; Appointed to Circuit Court, 21st Judicial District, 1999 by Gov. Don Sundquist; Appointed to Circuit Court, 21st Judicial District, 2005 by Gov. Phil Bredesen; Elected 2006; Tennessee Judicial Evaluation Commission; Tennessee Court of the Judiciary; John Marshall American Inns of Court; Williamson County Bar Association; Tennessee Bar Foundation; Nashville Bar Foundation; Tennessee Judicial Conference Co-Chair of Compensation and Retirement Committee, Member of Executive Committee, Member of Criminal Pattern Jury Instructions Committee; Former County Commissioner for Williamson County; Former Member, Williamson County Library Board of Trustees; Former softball coach and board member of Girls Softball Association of Franklin; Appointed to Court of Criminal Appeals, in 2011 by Gov. Bill Haslam; appointed to the Tennessee Supreme Court in 2014; became Chief Justice in 2016.



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; Articles Editor, Vanderbilt Law Review; private practice, Farris, Warfield & Kanaday 1979-1989; Circuit Judge, 21st Judicial District, 1989-1999; Director, Tennessee Administrative Office of the Courts, 1999-2005; Instructor, Vanderbilt University School of Law 1990-2000; faculty member, American Institute for Justice, Inc.; member, Williamson County, Tennessee, and American Bar Associations, American Judicature Society; Member and former Board of Directors member, Lawyers Association for Women, Marion Griffin Chapter and Tennessee Lawyers' Association for Women; Member and former Second Vice President, Nashville Bar Association; Fellow of the American and Nashville Bar Foundations; Fellow and former Board chair, Tennessee Bar Foundation; Member, ABA Commission on the American Jury 2004-05; Chair, Tennessee Judicial Council 2006-10; United Methodist Publishing House Board; Vanderbilt Law School National Council 2009-12; 2005 Liberty Bell Award recipient by the Williamson County Bar Association; 2010 Appellate Judge of the Year, American Board of Trial Advocates; 2010 inductee Nashville YWCA Academy for Women of Achievement; 2010 Appreciation Award, TCJFCJ; Board of Directors, Franklin/Williamson County Chamber of Commerce 1987-89; Franklin First United Methodist Church; Appointed to Supreme Court September 2005; served as Chief Justice 2010-12.



TENNESSEE JUDICIAL SYSTEM

Justice Sharon G. Lee

Born December 8, 1953, Knoxville, TN; a life-long resident of Monroe County; has two daughters; 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, served in the House of Delegates; member and former Director of the Tennessee Lawyers Association for Women; Member and former President of the East Tennessee Lawyers Association for Women; fellow of the American, Tennessee and Knoxville Bar Foundations; member of the Dean's Council for the UT College of Law; formerly an adjunct faculty member of the UT College of Law; Member of the Board of Directors of the East Tennessee Historical Society, the Knoxville YWCA, and the Sequoyah Birthplace Museum; formerly served as attorney for Monroe County and the Cities of Madisonville and Vonore; City Judge for Madisonville; recipient of the Spotlight Award from the National Association of Women Judges, the Spirit of Justice Award from the East Tennessee Lawyers Association for Women, the Distinguished Alumna Award from the Webb School of Knoxville, the Alumni Professional Achievement Award from the University of Tennessee; YWCA Tribute to Women Award, and Woman of Achievement Award from the Girl Scouts Council for the Southern Appalachians; 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; served as Chief Justice 2014-16.



Justice Holly Kirby

Born in 1957, Memphis, TN; Married, two children; Presbyterian; Graduate of Columbia Central High School, Columbia, Tenn.; B.S. in Engineering, University of Memphis, 1979 (Magna Cum Laude, Herff and Honors Alumni Scholarship); J.D., University of Memphis School of Law, 1982 (Herff Scholarship; Law Review, Notes Editor); admitted to bar in 1982; Law Clerk to the Honorable Harry W. Wellford, Sixth Circuit, U.S. Court of Appeals, 1982-1983; practiced law in Memphis, 1983-1995 (first female partner in law firm Burch, Porter & Johnson); Tennessee Appellate Court Nominating Commission 1989-1994, Chairperson, 1994; Leo Bearman, Sr. American Inn of Court, 1995-1998; University of Memphis Award for Outstanding Young Alumna, 1996; University of Memphis College of Engineering Outstanding Alumnus, 2002; elected to Memphis Bar Foundation, 2007; appointed to Court of Appeals in 1995 by Governor Don Sundquist (first woman to serve on Court of Appeals); elected 1996; re-elected to eight-year terms in 1998 and 2006; appointed to the Tennessee Supreme Court in 2014 by Gov. Bill Haslam.



Justice Roger A. Page

Born October 7, 1955, Henderson, TN; Married to Carol McCoy, Davidson County Chancery Court Judge; two sons, three grandchildren; Southern Baptist; Graduate of Chester County High School, 1973; University of Tennessee College of Pharmacy, 1978, with Honors; J.D., University of Memphis, 1984, with High Honors; Law Review Articles Editor; Law Clerk for the Honorable Julia Smith Gibbons, Western District of Tennessee, U.S. District Court, 1984-1985; private practice, Peterson, Young, Self, & Asselin, Atlanta, GA, 1985-1987, and Holmes, Rich, Sigler, & Page, Jackson, TN, 1987-1992; Assistant Attorney General, 1992-1998; Jackson/Madison County Bar Association; Tennessee Bar Association; Tennessee Bar Foundation; Tennessee Judicial Conference, Executive Committee Member, Legislative Committee (co-chair), Compensation and Retirement Committee, Past Chairperson of Bench-Bar Committee; Tennessee Appellate Judge Performance Evaluation Commission, 2004-2009; Howell Edmunds Jackson American Inn of Court, President-Elect; Jackson Lions Club, Member and Past President; Dixie Youth baseball coach; Senior Olympics Softball, City Champions; elected to Circuit Court, 26th Judicial District, 1998; re-elected 2006; appointed to Court of Criminal Appeals by Governor Bill Haslam, December 2011; elected 2012; re-elected to full eight-year term in 2014; appointed to the Tennessee Supreme Court by Governor Bill Haslam, January 2016; first appellate court appointee subject to confirmation by the Tennessee Legislature pursuant to the 2014 amendment to the Tennessee Constitution; unanimously confirmed by the Senate and House of Representatives on February 22, 2016.



TENNESSEE JUDICIAL SYSTEM

Tennessee Court of Appeals



Photo of current Court of Appeals: Court of Appeals judges are (seated from left) Frank G. Clement, Jr., Charles D. Susano, Jr., J. Steven Stafford. (Standing from left) Arnold B. Goldin, Thomas R. Frierson II, Richard H. Dinkins, D. Michael Swiney, Andy D. Bennett, John Westley McClarty, Neal McBrayer, Brandon O. Gibson, and Kenny Armstrong.

The **COURT OF APPEALS**, created by the General Assembly in 1925, hears appeals in civil – or non-criminal – cases from trial courts and certain stateboards 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 of 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 11-member Governor’s Council for Judicial Appointments interviews applicants and recommends three candidates to the governor.

The governor appoints a new judge, who must then be confirmed by the legislature to serve until the next August general election, when they are subject to the retention vote.

Tennessee Court of Criminal Appeals



Photo of current Court of Criminal Appeals: Court of Criminal Appeals judges are (seated from left) Norma McGee Ogle, James Curwood Witt, Jr., Thomas T. Woodall, John Everett Williams, and Alan E. Glenn. (Standing from left) Timothy L. Easter, Robert L. Holloway, D. Kelly Thomas, Jr., Robert W. Wedemeyer, Camille R. McMullen, Robert H. Montgomery, Jr., and Judge J. Ross Dyer.

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 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. Judges are elected on a “yes-no” ballot every eight years.

When a vacancy occurs on the intermediate appellate court, the 11-member Governor’s Council for Judicial Appointments interviews applicants and recommends three candidates to the governor. The governor appoints a new judge, who must then be confirmed by the legislature to serve until the next August general election, when they are subject to the retention vote.

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 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 U. S. Tennessee is within the jurisdiction of the United States Court of Appeals for the Sixth Circuit, which includes Kentucky, Ohio, and Michigan.

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. Cases originating in the federal district courts in Tennessee are appealed to the United States Court of Appeals for the Sixth Circuit.

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.



GLOSSARY OF LEGAL TERMS

acquit - To find a defendant not guilty in a criminal trial.

adjudication - A judgment or decree.

affidavit - A written or printed declaration or statement under oath.

affirm - The ruling of an appellate court that the judgment of a lower court is correct and should stand.

appeal - Review of a case by a higher court.

appellant - Party appealing a decision or judgment to a higher court.

appellee - The party against whom an appeal is filed.

arbitration - The hearing and settlement of a dispute between opposing parties by a third party whose decision the parties have agreed to accept.

arraignment - A court hearing in a criminal case where a defendant is advised of the charges and asked to plead guilty or not guilty.

bail bond - An agreement by a third party to pay a certain sum of money if the defendant fails to appear in court.

bench trial - Trial held before judge sitting without a jury; jury waived trial.

bench warrant - Process issued

by the court or "from the bench" for the attachment or arrest of a person. binding over - The act by which a court or magistrate requires a person to enter into a recognizance or furnish bail to appear for trial, to keep the peace, to attend as a witness, etc. The term also describes act of lower court in transferring case to higher court or to grand jury after a finding of probable cause to believe that defendant committed crime.

brief - A legal document, prepared by an attorney, which presents the law and facts supporting his or her client.

caseload - The number of cases a judge handles.

cause of action - A legal claim.

certiorari - A procedure for removing a case from a lower court to a higher court for review.

change of venue - Moving a case from one court, or location, to another.

civil law - All law that is not criminal law.

class - There are five classifications of felonies and three classifications of misdemeanors. With the exception of murder in the first degree, all felonies in the Revised Criminal Code, in the old Title 39 and in titles other

than Title 39 are classified. Each felony has an A, B, C, D, or E classification. "A" is the most serious and "E" is the least serious. Each misdemeanor has either an A, B, or C classification with "A" being most serious and "C" being least serious. Murder in the first degree carries three possible penalties: life (with the possibility of parole), life without parole, and death.

code - A collection of laws promulgated by legislative authority.

common law - A system of jurisprudence based on precedent rather than statutory laws.

commutation - Change of punishment from a greater to a lesser degree or ending a sentence that has been partially served.

corpus delicti - The body or material substance upon which crime has been committed; e.g., the corpse of a murdered person or the charred remains of a burned house.

de novo - "Anew." A trial de novo is a completely new trial.

declaratory judgment - A judgment declaring the rights of the parties on a question of law.

decree - Decision or order of the court. A final decree completes

GLOSSARY OF LEGAL TERMS

the suit; an interlocutory decree is provisional or preliminary.

default judgment - Under Rules of Civil Procedure, when a party against whom a judgment for affirmative relief is sought has failed to plead (i.e., answer) or otherwise defend, he is in default and a judgment by default may be entered by either the clerk or the court.

defendant - A person charged with a crime or a person against whom a civil action is brought.

deposition - Sworn testimony taken outside the courtroom according to the rules of the court.

discovery - A pretrial proceeding where a party to an action may be informed of the facts known by other parties or witnesses.

docket - Book containing entries of all proceedings in a court.

double jeopardy - Prohibition against more than one prosecution for the same crime.

due process - Constitutional guarantee that an accused person receives a fair and impartial trial.

en banc - "On the bench." All judges of a court sitting together to hear a case.

et al. - "And others."

ex parte - A proceeding brought for the benefit of one party only without notice to or challenge

by an adverse party.

felony - A serious criminal offense for which the minimum sentence is one year.

grand jury - A panel of citizens sworn to inquire into crime and if appropriate bring accusations, or indictments, against the suspects.

guardian ad litem - A person appointed by a court to manage the interests of a minor or incompetent person whose property is involved in litigation.

habeas corpus - "You have the body." A writ of habeas corpus requires that a person be brought before a judge. It is usually used to direct an official to produce a prisoner so the court may determine if liberty has been denied without due process.

indictment - Written accusation of a grand jury charging a crime.

injunction - Court orders prohibiting specific actions from being carried out.

interrogatories - Written questions which must be answered under oath.

judgment - Final determination by a court.

judgment document - Document that explains the sentence an offender receives from a trial court.

jurisprudence - The science of law.

limited jurisdiction - Courts limited in the types of cases they may hear.

litigant - Person or group engaged in a lawsuit.

misdemeanor - Criminal offense that is less than a felony and punishable by less than a year in jail.

mitigating circumstances - Do not justify or excuse an offense, but may be considered as reasons for reducing the degree of blame.

motion - Oral or written request before, during or after a trial on which a court issues a ruling or order.

moot - Unsettled or undecided.

negligence - The absence of ordinary care.

nolo contendere - Latin phrase meaning "I will not contest it;" a plea in a criminal case which has a similar legal effect as pleading guilty. A defendant may plead nolo contendere only with the consent of the court.

opinion, per curiam - Phrase used to distinguish an opinion of the whole court from an opinion written by only one judge.

parole - The conditional and

revocable release of an inmate by the Board of Probation and Paroles to parole supervision.

peremptory challenge - Procedure for rejecting prospective jurors without a reason. Each side is permitted a limited number of peremptory challenges.

power of attorney - Document authorizing another to act as one's agent or attorney in fact (not an attorney at law).

probable cause - Reasonable belief that a crime has been committed; the basis for all lawful searches. probate - The legal process of establishing the validity of a will and settling an estate.

probation - A sentence of confinement which is suspended upon a term of probation supervision. It may include community service or restitution or both. Probation must automatically be considered if the defendant is eligible.

pro bono - Legal services provided without attorney fees. pro se - Legal representation of oneself.

pro tem - "Temporary."
recess - A short interval during which court suspends business, but without adjourning.
remand - To send back.

sentence, concurrent - Two or more sentences which run at the same time.

sentence, consecutive - Two or more sentences which run one after another.

sentence, determinate - A sentence that states exactly the time to be served or money to be paid.

sequester a jury - To place members of a jury into 24-hour a day seclusion until a verdict is reached.

settlement conference - A meeting between parties of a lawsuit, their attorneys and a judge to attempt a resolution of the dispute without a trial.

statute - A law created by the Legislature.

stay - Halting a judicial proceeding by order of the court.

subpoena - A written legal notice requiring a person to appear in court and give testimony or produce documentary evidence.

subpoena duces tecum - "Under penalty you shall take it with you." A process by which the court commands a witness to produce specific documents or records in a trial.

tort - An injury or wrong

committed with or without force to the person or property of another giving rise to a claim for damages.

venue - The specific county, city or geographical area in which a court has jurisdiction.

voir dire - (pronounced "vwar-deer") - "To speak the truth." The process of preliminary examination of prospective jurors regarding their qualifications.

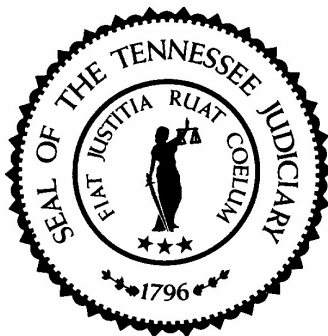
writ - A written court order directing a person to perform or refrain from performing a specific act.

writ of mandamus - An order issued by a court of superior jurisdiction commanding performance of a particular act by an inferior court or public official.

“ In the eye of the law there is, in this country, no superior or dominant ruling class of citizens. There is no caste here. Our Constitution is colorblind. All citizens are equal before the law. The humblest is the peer of the most powerful under the law. ”

John Marshall Harlan, 1896





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